



SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

Date: August 7, 2006

To: Subdivision Review Board

From: Karen Nall, Senior Planner

SUBJECT: Mallory Conditional Certificate C04-0450 SUB2004-00045

This item was continued from the June 5, 2006 Subdivision Review Board meeting to allow staff and the applicant time to resolve the question of how many actual water connections are needed in order to establish a community water system. The Environmental Health Division of the Health Department has determined that there must be five actual service connections in order to establish a community water system.

The application is a request for four conditional certificates of compliance for parcels of 1.0 acre, 19,000 square feet, 17,000 square feet and 16,500 square feet in size. The application proposes to locate the community well on the 17,500 square foot parcel. Environmental Health has indicated that the parcel with the community well must be 2.5 acres minimum if it is proposed to be buildable with a septic system. This reduces the use of the community water system to the three remaining parcels.

The applicant has indicated that they believe they could meet the requirement for two more service connections and that neighbors may be interested in using the community system.

The zoning ordinance in effect in 1978, the date that the current owners acquired their interest, required 2.5 acre parcels for sites served by individual wells and septic tanks. Due to the fact that community water is not readily available, staff is recommending that the applicant merge all parcels into a single parcel of 2.5 acres. If in the future, the applicant creates a community water system, the parcel could be potentially split into one acre parcels given the Residential Suburban land use category.

Public Works has been consulted and has recommended that no road improvements are required if the parcels are merged into one 2.5(+ or -) acre site.

Attachments: 1. Surrounding parcel sizes
2. Zoning Ordinance excerpts in effect in 1978
3. Minutes From June 5, 2006 SRB meeting
4. Staff report from June 5, 2006 SRB meeting

FINDINGS - EXHIBIT A

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on April 6, 2006 for this project. Mitigation measures are proposed to address biological resources, geology and soils and public services are included as conditions of approval.

Conditional Certificate of Compliance

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan, the El Pomar/Estrella area plan and all other general plan policies because future development will be subject to all applicable standards and land use permits requirements and is consistent with the development of the area.
- C. Pursuant to the Subdivision Map Act, the parcel is required to comply with the subdivision standards in effect as of 1978 because the applicant is not the subdivider who created the current parcel and 1978 is the year the applicants gained interest in said parcels.
- D. As conditioned, the proposed project and associated use satisfies all applicable provisions of the Subdivision Map Act and County Real Property Division Ordinance.
- E. The site is physically suitable for the type of development proposed because the proposed parcels contain adequate area for development of single-family residences and residential accessory structures.
- F. The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because the project is of limited size and scope and the site is not located in an area containing substantial fish and wildlife habitat.
- G. The design of the subdivision or the type of improvement will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

REVISED CONDITIONS - EXHIBIT B

**CONDITIONAL CERTIFICATE OF COMPLIANCE
C04-0450**

Approved Project

1. This approval authorizes four Conditional Certificates of Compliance for the following:
 - a. 1.0 acre (Lot 7 portion)
 - b. 19,000 square feet (Lot 6 portion)
 - c. 16,500 square feet (Lot 5 portion)
 - d. 17,500 square feet (Lot 4 portion)
2. The applicant shall apply for a voluntary lot merger to merge all four parcels together into one 2.6 (+ or -) acre site.

Biology- Kit Fox

3. Prior to issuance of construction permits future development must mitigate impacts to San Joaquin kit fox habitat. Based on the results of previous Kit Fox Habitat Evaluations that have been conducted for the Creston and Paso Robles area, the standard mitigation ratio for projects on parcels less than 40 acres in size has been established as of 3:1. This means that for every acre of disturbance resulting from project activities (e.g. pad for buildings, access roads, leach fields etc.), the applicant would be required to mitigate a total of three acres of habitat. Applicants have the option of hiring a qualified biologist to conduct a Kit Fox Habitat Evaluation of the project site if the applicant believes that the evaluation would lower the score and reduce the required mitigation ratio. However, the applicant has chosen to accept the standard mitigation ratio of 3:1. The mitigation options identified in BR-1 through BR-11 apply to the proposed project only; should the project change, the mitigation obligation may also change, and a reevaluation of the mitigation measures would be required.
 - 1) Prior to issuance of grading and/or construction permits, the applicant shall submit evidence to the County of San Luis Obispo, Department of Planning and Building Environmental Resource and Management Division (County) (see contact information below) that states that one or a combination of the following four San Joaquin kit fox mitigation measures has been implemented:
 - a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement, suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of

Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) and the County.

This mitigation alternative (a.), requires that all aspects of this program must be in place before County permit issuance or initiation of any ground disturbing activities.

- b. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC), pursuant to the Voluntary Fee-based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The fee, payable to "The Nature Conservancy", would be based on the total area of disturbance from future development multiplied by \$2500 per acre. This fee must be paid after the Department provides written notification identifying your mitigation options but prior to County permit issuance and initiation of any ground disturbing activities.

- c. Purchase credits in a Department-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

At this time, there is no approved conservation bank that is operational in San Luis Obispo County. A conservation bank is expected to be operational in the near future. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

- d. If none of the above measures (a, b, or c) are available, the applicant may enter into a Mitigation Agreement with the Department, including depositing of funds into an escrow account (or other means of securing funds acceptable to the Department) which would ensure the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring in perpetuity. The Department can provide a draft agreement to review; a signed Mitigation Agreement shall be submitted to the County prior to County permit issuance and initiation of any ground disturbing activities.

- 2) Prior to issuance of grading and/or construction permits, or conducting any grading associated with map recordation, the applicant shall provide evidence to the County that they have retained a qualified biologist acceptable to the County Division of Environmental and Resource Management. The retained biologist shall perform the following monitoring activities:
 - a. Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction, the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.
 - b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, disking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-3 through BR11. Site-disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (see BR-2-c3). When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.
 - c. Prior to or during project activities, if any observations are made of San Joaquin kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. At the time the den is discovered, the qualified biologist shall contact the U.S. Fish and Wildlife Service and the Department for guidance on possible additional kit fox protection measures to implement and whether or not a Federal and/or State incidental take permit is needed. If a potential den is encountered during construction, all work shall stop until such time the U. S. Fish and Wildlife Service and Department determine that it is appropriate to resume work.

If incidental take of kit fox during project activities is possible, before project activities commence, the applicant must consult with the U.S. Fish and Wildlife Service and the Department (see contact information below). The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.

In addition, the qualified biologist shall implement the following measures:

1. Within 30 days prior to initiation of site disturbance and/or construction, fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:
 - a) Potential kit fox den: 50 feet
 - b) Known kit fox den: 100 feet
 - c) Kit fox pupping den: 150 feet
2. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.
3. If kit foxes or known or potential kit fox dens are found on site, daily monitoring during ground disturbing activities shall be required by a qualified biologist.
- 3) Prior to issuance of grading and/or construction permits, or approval of any improvement plans related to map recordation, the applicant shall clearly delineate as a note on the project plans, that: "Speeds signs of 25 mph maximum (or lower) shall be posted for all construction traffic, to minimize the probability of road mortality of the San Joaquin kit fox." Speed limit signs shall be installed on the project site within 30 days prior to initiation of site disturbance and/or construction,

In addition, prior to permit issuance and initiation of any ground disturbing activities, or any grading associated with map recordation, conditions BR-3 through BR-11 of the Developer's Statement/Conditions of Approval shall be clearly delineated on project plans.
- 4) During the site disturbance and/or construction phase, grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.
- 5) Prior to issuance of grading and/or construction permit, and within 30 days prior to initiation of site disturbance and/or construction, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the county, as well as any related biological report(s) prepared for the project. The applicant shall notify the County shortly prior to this meeting. A kit fox fact sheet shall also be developed prior

to the training program, and distributed at the training program to all contractors, employers and other personnel involved with the construction of the project.

- 6) During the site-disturbance and/or construction phase, to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.
- 7) During the site-disturbance and/or construction phase, any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary, be moved only once to remove it from the path of activity, until the kit fox has escaped.
- 8) During the site-disturbance and/or construction phase, all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.
- 9) Prior to, during, and after the site-disturbance and/or construction phase, use of pesticides or herbicides shall be in compliance with all local, state and federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.
- 10) During the site-disturbance and/or construction phase, any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service and the Department by telephone (see contact information below). In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to the Department for care,

analysis, or disposition.

- 11) Prior to final inspection, or occupancy, whichever comes first, should any long internal or perimeter fencing be proposed or installed, the applicant shall do the following to provide for kit fox passage:
 - a. If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12".
 - b. If a more solid wire mesh fence is used, 8" x 12" openings near the ground shall be provided every 100 yards.

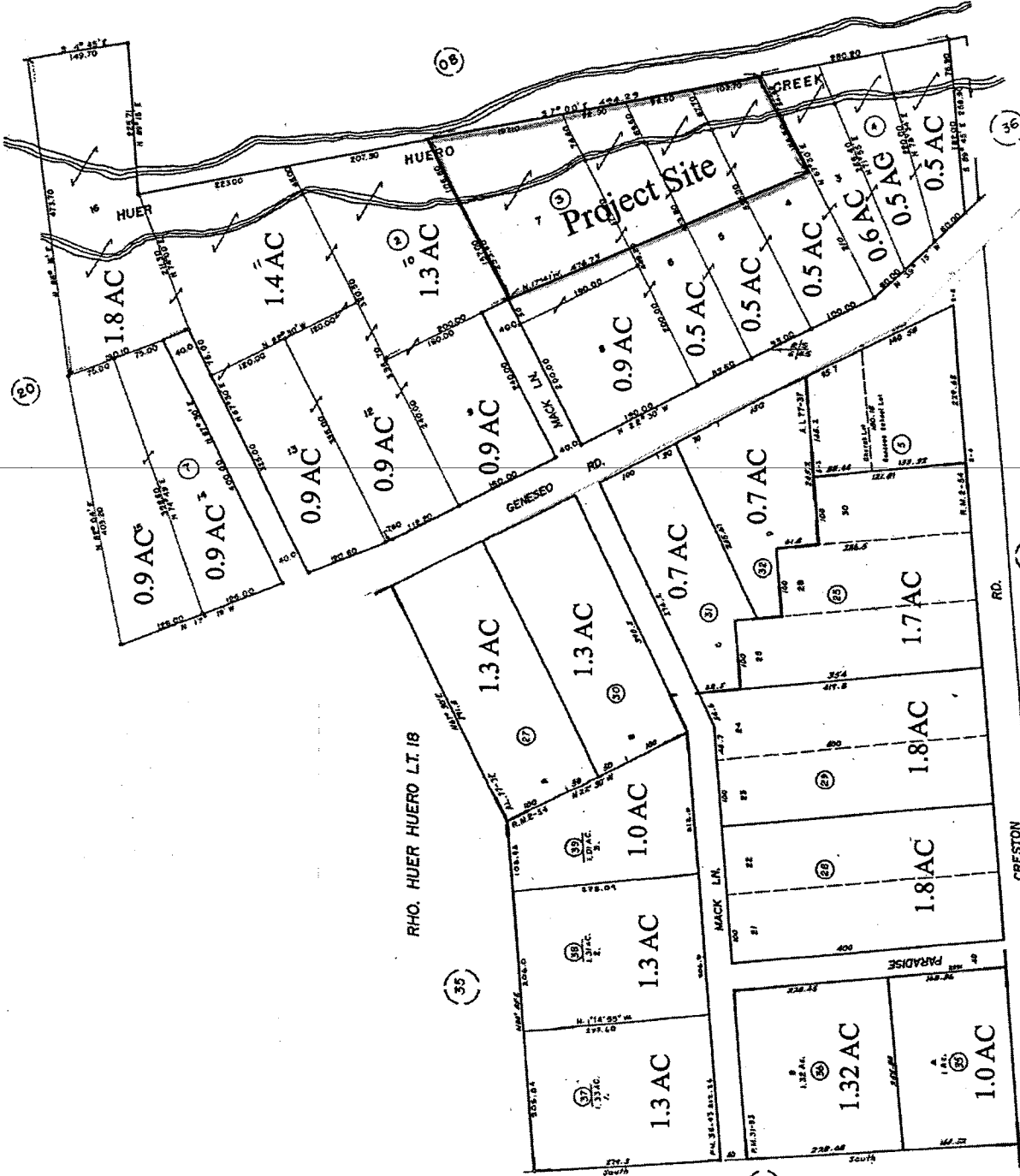
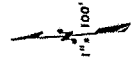
Upon fence installation, the applicant shall notify the County to verify proper installation. Any fencing constructed after issuance of a final permit shall follow the above guidelines.

Miscellaneous

4. This subdivision is also subject to the standard conditions of approval for all subdivisions using individual wells and septic tanks (Certificates of Compliance), a copy of which is attached hereto and incorporated by reference herein as though set forth in full.

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35-21



Assessor's Map Bk. 35-Pg. 19
County of San Luis Obispo, Calif.
DRC 11-2-1993

Paso Robles Orchard Co's. Tract No. 2, R.M. Bk. 2, Pg. 54

REVISIONS	DATE	BY
1	11-2-1993	

THIS MAP IS PREPARED FOR
ASSESSMENT PURPOSES ONLY.

Kevin Fuson, applicant, indicates there is a will-serve letter in process for sewer and water. He adds he is here for any questions and is requesting approval of his project.

Chairman Euphrat discusses location of the existing residence.

Tom Taylor, realtor, states the lots were created in 1888. Indicates there was a permit issued in 1984 on the lot for a mobile home. States there were two dwellings but no water for the second lot. He adds there is now water for the second lot. There is discussion.

Mr. Marshall: states this is a good project for use of a TDC.

Thereafter on motion by Mr. Marshall, seconded by Mr. Lichtenfels, and on the following roll call vote:

AYES: Mr. Marshall, Mr. Lichtenfels, Mr. Nall, Ms. Arlin-Genet, and Chairman Euphrat
NOES: None
ABSENT: None

The Subdivision Review Board adopts the mitigated Negative Declaration in accordance with the applicable provision of the California Environmental Quality Act, Public Resources Code Section 21000, et seq., and approves Document Number 2006-030 granting Tentative parcel Map Co 06-003 to Kevin Fuson, based on the Findings in Exhibit A, and subject to the Conditions in Exhibit B.

MR. NALL IS NOW ABSENT.

8. Hearing to consider a request by **LESLIE MALLORY & JANET MALLORY** for four Conditional Certificates of Compliance for four parcels of approximately 1.0 acre, 19,000 square feet, 17,500 square feet and 16,500 square feet each for the purpose of sale and/or development. The project includes off-site road improvements. If approved, the proposed parcels will likely develop with two single family residences. The project will result in the disturbance of approximately 20,000 square feet total which includes road improvements and future residential construction. The proposed project is within the Residential Suburban land use category and is located at 2902 Geneseo Road on the east side of Geneseo Road, south of the end of Mack Lane approximately 5 miles north of the community of Creston. The site is in the El Pomar-Estrella planning area. Also to be considered at the hearing will be approval of the Environmental Document prepared for the item. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on February 2, 2006 for this project. Mitigation measures are proposed to address biology, geology, housing and public services and are included as conditions of approval. **County File No: SUB 2004-00045.** Assessor Parcel Number: 035-211-003. Supervisorial District: Date Accepted:

Karen Nall, staff: presents project. Reviews aerial photo of site. Presents a brief history of the property. States staff has requested the applicant to provide an exhibit that can show that the proposed parcels will meet separation from Huerfano Creek and for a proposed septic system. Discusses 25' easement south of Mack Lane, which was an old right of way

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which is not developed at this time. On the 17,500 square foot piece that is proposed to have an existing public water system well and a community water system will have to be created for the project.

Mr. Euphrat: requests clarification on lots 7 and 6 as to how they were created in 1953.

Ms. Nall: refers to the site map and explains the history of the parcels.

Mr. Marshall: requests clarification of the location of the 25' easement.

Ms. Nall: explains the easement runs through old Parcel 8. Discusses the minimum parcel sizes allowable, and indicates this project would meet minimum requirements. Staff is recommending a lot line adjustment to meet the 1978 ordinance, and recommends approval of this project.

Chairman Euphrat: asks Ms. Nall what the zoning was back in 1978 and what the required parcel sizes were then.

Mr. Nall: responds it was rural zoning with 10-acre minimum parcel size requirements. She refers to an excerpt from Chapter 22.85. There is discussion of the minimum lot size.

Jim Orton, County Counsel: states the zoning standards in the General Plan do allow for smaller parcel sizes.

Scott Stokes, engineer for applicant: thanks staff for their work. He explains the reasons for this project request. States the County had sent the applicant a letter stating he was in non-compliance with this particular lot. This request is to make it a legal lot. States his understanding that if you have a community water system on there and the well and septic are not too close together, you can go down to a small lot size and he believes this is the reason the applicant has been allowed to go under the 10-acre minimum.

Mr. Lichtenfels: asks what lots would be involved in the public water system.

Mr. Stokes: explains the 1-acre, the 19,000 square foot and the 16,000 square foot parcels would be the three lots that would have residences on them. States the 1-acre lot currently has a residence on it, and the one with the community water system would remain as a lot and would not have a residence built on it.

Mr. Lichtenfels: states he believes you need at least 5 parcels to build a community water system. There is some discussion. He asks Ms. Nall if a percolation test has been included in the staff report.

Ms. Nall: explains a percolation test was completed but was not included with the staff report.

Mr. Lichtenfels: asks for a copy of the percolation test so he may review it.

Ms. Griffin: attempts to clarify the confusion by stating that she believes the applicant had been previously told that as long as there was a potential of 5 connections, that a community water system would be possible. States staff was relying on that information

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received from Environmental Health. She adds that if that is not the case, then that would substantially change staff's recommendation here.

Mr. Lichtenfels: states we almost have the potential to go with five, but if it's contingent on this project going forward now, he would not be in favor of it. He has a problem with a phantom connection out there just floating in the wind. There is further discussion on the concerns of five water connections, permitting, etc.

Chairman Euphrat: agrees with Mr. Lichtenfels' concerns and requests clarification of ownership. He indicates he is yet to be convinced there should be four parcels. He asks how old the current residence is on the property.

Mr. Stokes: responds, indicating the 1950's. He states they are trying to legalize the parcel.

Chairman Euphrat: indicates he would be happy to entertain some type of proposal to legalize the parcel as one parcel, which is what he believes this should be.

Mr. Lichtenfels: states his concerns with this project going forward. He suggests possibly continuing this project for further information.

Chairman Euphrat: requests clarification on actual ownership of the parcel.

Ms. Nall: states there is one assessor parcel number now currently owned by several people. States she has met with Laurie Salo in the Public Health Department, and her concern was that there could not be a community septic system on that site. Staff was given the direction that a community water system was a go if there were five or more connections available.

Chairman Euphrat: states there is obviously some confusion, and has a problem with four parcels in an area where there should be one.

There is discussion regarding additional conditioning of the project or continuing to another date.

Ms. Arlin-Genet: discusses the Board's options of either postponing a decision to allow more time for discussion or contemplate denial of the project making it appealable.

Mr. Marshall: indicates the Board has virtually no room for considering denial on conditional certificates by law. He states they can discuss condition language. He adds the Board could condition for all the parcels to be merged or adjusted with other property, or some way enlarged to a minimum size that the Board establishes. States he does not believe there has ever been a denial for a conditional certificate.

County Counsel: agrees with Mr. Marshall. He states one option is that state law says when you consider conditional certs, you look at the conditions that *could have been* imposed when the applicant acquired interest in the property and then you may impose those conditions, although not mandatory. However, you are required to act on it. You could eliminate the community water system condition and require the whole parcel be enlarged and/or combined. You may also continue the item for further discussion with Environmental Health.

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Mr. Marshall: states he feels that to consider a community water system, this board needs to have further information to make a decision. Cites his concern about the four parcels vs. five, and legalizing a parcel that can never be built on. Mr. Marshall states we should either pursue a water system and come up with five connections or establish a minimum area requirement.

Mr. Euphrat: indicates he would be willing to support a merger to create one parcel. He asks Ms. Nall if she would be willing to continue the project. Ms. Nall says no.

Thereafter, on motion by Richard Marshall, seconded by Aeron Arlin-Genet, and on the following roll call vote:

AYES: Mr. Lichtenfels, Ms. Mr. Marshall, Mr. Nall, Mr. Arlin-Genet, and Chairman Euphrat
NOES: None
ABSENT: None

the Subdivision Review Board continues this item to August 7, 2006 to give the applicant the opportunity to work with staff.

9. Hearing to consider a request by **NORMAN EGGEN** for a Vesting Tentative Parcel Map (CO-02-0188) to subdivide an existing 10.14 acre parcel into four parcels consisting of three parcels of approximately 2.5 acres each and one parcel of 2.62 acres for the purpose of sale and/or development. The project includes off-site road improvements to Walnut and Poplar Avenues. The proposed project is within the Residential Suburban land use category and is located at the southern corner of the intersection of Walnut Avenue and Poplar Avenue in the community of Garden Farms. The site is in the Salinas River planning area. Also to be considered at the hearing will be approval of the Environmental Document prepared for the item, in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq. Mitigation measures are proposed to address agricultural and biological resources, public services, recreation and transportation. **County File No: S010396P.** Assessor Parcel Number: 070-121-006. Supervisorial District: 5. Date Accepted: October 15, 2005.

MR. NALL IS NOW PRESENT.

Nick Forester, staff, presents project. Reviews vicinity map indicating general location of project in Garden Farms, and aerial maps. Discusses vegetation on the site, and the garage which will have to be brought into conformance or removed. States the applicant proposes to use a mixture of water services. Indicates there is a water meter on site that is no longer in service. States Environmental Health and CDF are uncomfortable and unsupportive of a mixed water service arrangement, primarily because if CDF should drive up to fight a fire late at night there is too much confusion. They would much prefer that the project site either be all on community water, shared well, or all on an individual well. The project has been conditioned to give the applicant the option. Suggests adopting the Negative Declaration, and approval of the project. Staff suggests modifications for road improvements to satisfy trail requirements by the Parks Department.

Mr. Marshall: asks for clarification.

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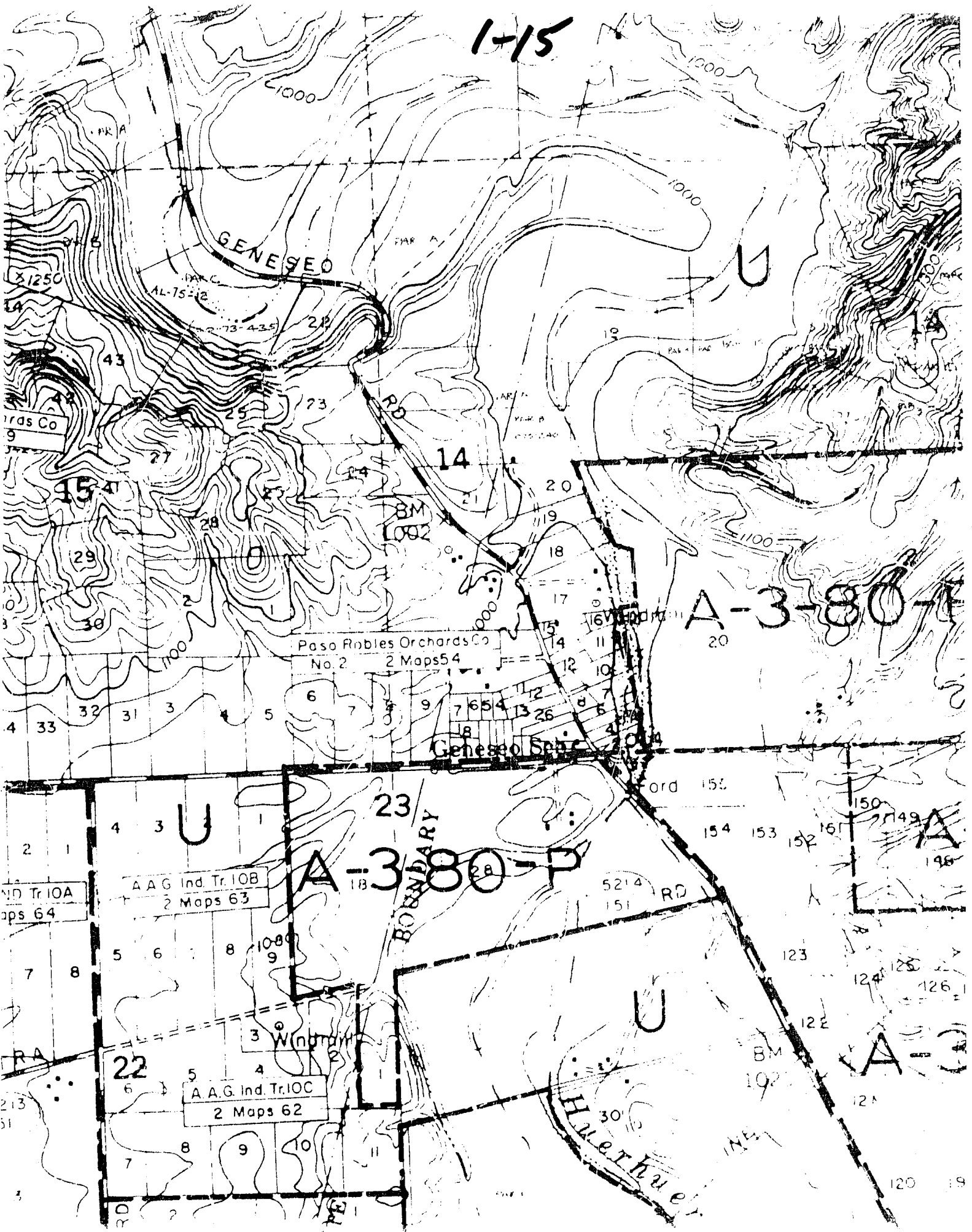
ZONING ORDINANCE



TITLE - 22
COUNTY CODE

SAN LUIS OBISPO COUNTY
PLANNING DEPARTMENT
RM. 102 COURTHOUSE ANX.

1-15



Chapter 22.12"U" (UNCLASSIFIED) DISTRICTSSections:

- 22.12.010 Regulations for "U" Districts.
- 22.12.020 Uses Permitted.
- 22.12.030 Departmental Review Uses.
- 22.12.040 Building Site Area.
- 22.12.050 Special Requirements.

22.12.010 Regulations for "U" Districts. All the unincorporated territory of the County which is not included under the terms of the ordinance codified herein in any other district is designated and classified as constituting the "U" Districts. (Ord. 1102 S1, 1970: prior code S11-411)

22.12.020 Uses Permitted. Uses permitted in "U" Districts shall be as follows:

- (1) One family dwelling;
- (2) Farm labor quarters or immediate family quarters;
- (3) All agricultural uses except hog ranches and turkey ranches with more than one hundred turkeys;
- (4) Agricultural buildings and accessory uses;
- (5) Breeding, boarding, veterinary establishments and commercial or recreational equestrian establishments.
- (6) Storage of petroleum products used on the premises and not for resale;
- (7) Public utility or public service buildings, structures for uses related to water, power, gas and telephone; including transmission, storage and generating facilities;
- (8) Home occupations, provided that no name plate or sign exceeding two square feet in area shall be displayed in connection therewith;
- (9) Public or private recreational uses, other than housing, related to hunting, fishing, riding and hiking, and incidental camping areas if the distance is greater than one thousand feet from the property line or public road;
- (10) Aircraft private land strips;
- (11) One sign for each property not to exceed forty square feet in area to advertise farm labor employment, products produced or sold on the premises, the sale of the property or to identify the premises or occupants.

22.12.030 Departmental Review Uses. Uses permitted subject to first securing a departmental review approval shall be as follows:

- (1) Agribusinesses including packing, processing and sales businesses for which a business license is required;
- (2) Schools, libraries, golf courses, parks, community centers or public agencies;
- (3) Oil and gas drilling and production per Planning Commission policy;
- (4) All other uses not otherwise prohibited by law when determined as part of the Departmental Review process to be not inconsistent with the County General Plan.

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22.12.040 Building Site Area. Building site area required shall be as follows:

(1) Ten acres, unless otherwise designated. Veterinary establishments, public utility buildings and uses, churches, libraries, hospitals, community centers and other public agencies are exempt from such minimum building site area requirements and shall meet the minimum building site area and yard requirements of the R-1 District.

(2) On sites of less than ten acres in area, which are of record as of the date of the adoption of the ordinance codified herein, a Conditional Use Permit shall be required to establish any use which is not enumerated in the A-1, A-2 or A-3 Districts as a use permitted.

(3) If a number in parenthesis follows the district designation, the number in parenthesis constitutes the minimum number of acres for a building site or a newly created lot, (e.g., U(20) means twenty acres minimum). (Ord. 901 S1(part), 1967: prior code S11-411.3)

22.12.050 Special Requirements

(1) There shall be no offensive odors, fumes, noxious gases, dust, heat, glare, or radiation generated by or resulting from a use and detectable at any point of the boundary line of the zone.

(2) Ground vibrations generated by or resulting from a use shall not be perceptible without instruments at any point at the boundary line of the zone.

(3) The character and intensity of sound emanating from a use shall be no more offensive nor greater than ordinary street noises at the boundary line of the zone.

(4) Materials used and products stored shall be adequately housed, shielded, or screened so that health, safety and welfare of persons occupying the property or adjacent properties are not jeopardized.

(5) All required yards shall either be opened, landscaped green areas or be left in a natural state. Areas left in a natural state shall be maintained in a slightly and well-kept condition. Landscaped parking areas may be permitted, subject to first securing a Conditional Use Permit. (Prior code S11-411.4)

22.10.020 Building Height Limit. The building height limit in rural districts shall be as follows: None. (Prior code S11-418)

22.10.030 Yards Required. Yards required in rural districts shall be as follows:

(1) Front yard: 25 feet

(2) Side yard: 5 feet

(3) Rear yard: 10 feet

(Ord. 1108 S6, 1970: prior code S11-419)

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CHAPTER 22.85

MINIMUM LOT SIZES IN AREAS WITHOUT

COMMUNITY WATER OR SEWER

Sections:

- 22.85.010 Application of Regulations
- 22.85.020 Maps By Reference
- 22.85.030 Definitions
- 22.85.040 Minimum Lot Sizes
- 22.85.050 Special Requirements
- 22.85.060 Exceptions

22.85.010 Application of Regulations. The provisions of this Chapter shall be applicable to divisions of land in all primary and combining zoning districts, provided, however that in the event of a conflict with the regulations applicable, the provisions of this Chapter shall apply. Provided, further that if the purpose of a division of land is only to convey land to an abutting owner, the provisions of this Chapter other than Section 22.85.050(3) shall not apply.

22.85.020 Maps By Reference. In addition to those official maps adopted by Section 22.06.060 of the County Code, those certain maps designated as the official Sandy Area and Domestic Reservoir Watershed Maps of the San Luis Obispo County Planning Commission on file in the Office of the Planning Department are hereby adopted with all amendments and additions and made a part of this Title by reference.

22.85.030 Definitions. For the purpose of this Title, the following definitions shall apply:

(1) Community Sewer System. "Community Sewer System" means a sewage disposal system within a prescribed service boundary designed for collection of sewage and treatment by a primary, secondary, or tertiary treatment plant, and common disposal of effluent.

(2) Community Water System. A system for the provision of piped water to the public for human consumption within a prescribed service boundary operated and maintained by a public agency, or private company approved by the Board of Supervisors, which complies with the California Safe Drinking Water Act and the Laws and Standards relating to domestic water supply.

(3) Domestic Reservoir Watershed. An area of land draining into a body of water utilized for domestic water storage and supply and indicated on the official Domestic Reservoir Watershed maps described in Section 22.85.020.

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(4) Sandy Areas. Portions of the Nipomo Mesa and Baywood/Los Osos Area indicated on the official Sandy Area Maps described in Section 22.85.020.

(5) Septic System. Any combination of septic tanks and leaching systems or area.

22.85.040 Minimum Lot Sizes.

(1) In the Sandy Areas indicated on the official maps, or where the percolation rate is between 0 and 5 minutes per inch of fall, the minimum area of new lots or parcels served by a community water system but without community sewer service shall be net 20,000 square feet.

(2) Outside the sandy areas or in areas where percolation rates exceed 5 minutes per inch of fall, the minimum size of new lots or parcels served by a community water system but without community sewer service shall be net one acre.

(3) In all cases where new lots or parcels are proposed to be served by an individual domestic well and an individual septic system, the lot or parcel size shall be net 2½ acres or greater.

(4) New lots or parcels proposed to be located on any domestic reservoir watershed shall be net 2½ acres in size or larger unless sufficient engineering justification is provided to prove water quality and long-term reservoir use will be protected.

22.85.050 Special Requirements.

(1) Except as provided in Section (5) below, all new land divisions outside of Sandy Areas and those areas where the percolation rate is between 0 to 5 minutes per inch of fall, shall be served by community sewer systems for all lots or parcels less than one (1) acre in size.

(2) A community water system shall be provided for all new divisions resulting in lots or parcels of less than 2½ acres in size.

(3) All new lots or parcels proposed for individual septic systems shall be capable of meeting the criteria set forth in Title 19, "Building and Construction", Section 19.24.013 of the County Ordinance Code. Soil borings and percolation tests may be required prior to approval of new lots or parcels to assure compliance with these criteria.

(4) All new divisions of land proposing ten or more lots or parcels of less than 2½ acres in size shall include provisions for septic tank maintenance.

(5) In areas where community sewer systems are not available at the time of division, new lots or parcels less than one (1) acre shall meet all of the following criteria:

- a. Serviced by a community water system.
- b. Comply with physical constraints and percolation standards listed in Section 19.24.013 of the San Luis Obispo County Code.
- c. Have an average gross density of 1/2 acre per unit or more; provided, however, that if the division is one for which a tentative and final map is required pursuant to the Subdivision Map Act, Government Code Section 66410, et seq., or the San Luis Obispo County Code, said average gross density may be achieved by clustering. (Exceptions to this provision may be requested and considered as provided in Chapter 21.32 of County Code.)
- d. Be designed for ease in ultimate sewerage.
- e. Septic tank maintenance be assured.

22.85.060 Exceptions. Exception to the provisions of this chapter may be requested and considered as provided in Chapter 21.32 of the County Code.



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

SUBDIVISION REVIEW BOARD

9-1-21

Promoting the wise use of land
Helping build great communities

MEETING DATE June 5, 2006	CONTACT/PHONE Karen Nall 805/781-5606	APPLICANT Leslie A. Mallory and Janet A. Mallory	FILE NO. C 04-0450 SUB 2004-00045
SUBJECT Request by Leslie Mallory & Janet Mallory for four conditional certificates of compliance for four parcels of approximately 1.0 acre, 19,000 square feet, 17,500 square feet and 16,500 square feet each for the purpose of sale and/or development. The project includes off-site road improvements. If approved, the proposed parcels will likely develop with two single family residences. The project will result in the disturbance of approximately 20,000 square feet total which includes road improvements and future residential construction. The proposed project is within the Residential Suburban land use category and is located 2902 Geneseo Road on the east side of Geneseo Road, south of the end of Mack Lane approximately 5 miles north of the community of Creston.			
RECOMMENDED ACTION 1. Adopt the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. 2. Approve four Conditional Certificate of Compliance C04-0450 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
ENVIRONMENTAL DETERMINATION The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on April 6, 2006 for this project. Mitigation measures are proposed to address biological resources, geology and soils, and public services are included as conditions of approval.			
LAND USE CATEGORY Residential Suburban	COMBINING DESIGNATION Flood Hazard	ASSESSOR PARCEL NUMBER 035-211-003	SUPERVISOR DISTRICT(S) 1
PLANNING AREA STANDARDS: None			
LAND USE ORDINANCE STANDARDS: 22.22.070 Minimum Parcel Size			
EXISTING USES: One Single Family Residence.			
SURROUNDING LAND USE CATEGORIES AND USES: North: Residential Suburban/ single-family residences South: Residential Suburban/ single-family residences West: Residential Suburban/ single-family residences East: Agriculture/ Huer Huero Creek			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Environmental Health, Agriculture Department and Regional Water Quality Control Board.			
TOPOGRAPHY: Nearly Level		VEGETATION: Grasses	
PROPOSED SERVICES: Water supply: Proposed Community Water System Sewage Disposal: Individual septic system Fire Protection: CDF		ACCEPTANCE DATE: April 21, 2005	
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242			

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BACKGROUND

The total acreage of the site is approximately 2.6 acres. There is an existing single family residence. There was a 20,000 square foot poultry barn located on the site that was constructed sometime in the 1950's but has been recently demolished.

The applicant is requesting four (4) conditional certificates of compliance for four parcels of the following sizes:

1. 1.0 acre (Lot 7 portion)
2. 19,000 square feet (Lot 6 portion)
3. 16,500 square feet (Lot 5 portion)
4. 17,500 square feet (Lot 4 portion)

The parcels are portions of Lots 4, 5, 6 and 7 of the Paso Robles Orchard Co. Tract 1, according to a map filed for record in Book 2 at Page 49 of Maps on June 9, 1920. The four parcels are in violation of the State Subdivision Map Act and the County Real Property Division Ordinance. The California State Subdivision Map Act, effective August 14, 1929, required a Tract Map for creation of five or more lots of one acre or less created by any one person within one calendar year. The four parcels are in violation because on December 1, 1953 the then owners, Robert A. and Marion J. Hudson, deeded portion of Lots 4, 5, 6 and 7 as undivided 1/3 interest to Edgar J. and Marie McCullough; 1/3 interest to A.J. and Doris S. Graves and 1/3 interest to Clifton D. and Kathryn H. Darnall per deed recorded December 11, 1953 in Book 737, Page 301 of Official Records. This transaction illegally split four (4) lots into eight (8) lots, which is three (3) more than was allowed in 1953 under the State Subdivision Map Act. Pursuant to the Subdivision Map Act, the parcels should comply with the subdivision standards in effect on March 21, 1978, as that is the date that the property owners acquired their interest in the property.

ORDINANCE STANDARDS:

Minimum Parcel Size

Section 22.22.070 of the Land Use Ordinance establishes standards for determining minimum parcel sizes in the Residential Suburban land use category. The standards are based on the topography of the site and the type of water and sewer service. Minimum parcel size is based on the largest parcel size as calculated by the required tests. Minimum parcel size is based on the largest parcel size as calculated by tests. The proposed parcels **do not meet** all requirements for 1 acre parcels as follows:

TEST	STANDARD	MINIMUM PARCEL SIZE
Slope	Average slope is between 0 and 15%	1 acre
Individual Well	On-site septic	2.5 acres
Community Water	On- site septic	1 acre

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As noted above the lots were deed in violation of the State Subdivision Map Act and the County Real Property Division Ordinance. Therefore, a conditional certificate of compliance is required to legalize the parcels. The conditions applied are conditions that would have been applied to a tentative map in the year the owner's acquired their interest in the subject property (1978).

STAFF COMENTS:

Parcel Size

A review of the zoning ordinance in effect in 1971 revealed that a community water system was needed in order to create parcels of less than 2.5 acres in size. In areas with percolation rates between 0 and 5 minutes that are served by community water, the ordinance set the minimum parcel size at 20,000 square feet. A percolation test has been submitted for the subject property, which indicated the rates to be 4 minutes per inch. The applicant has indicated that the creation of a community water system is proposed and that the community water system well is proposed to be located on the 17,500 square foot parcel.

The application was referred to the Environmental Health Department for their review. The response indicated that the parcel proposed to be used for the community water system is limited to 2.5 acres if it is proposed to be buildable with a future septic system. Staff is recommending that the applicant submit a lot line adjustment which is required to increase the parcels sizes to over 20,000 square feet for the other two parcels in accordance with the ordinance in effect in 1978.

Road Improvements

This application was reviewed in detail by Public Works and conditions have been added for road improvements to Mack Lane these conditions were adapted from the Section 9-021.4 of ordinance 716 dated November 1964.

ENVIRONMENTAL DETERMINATION: The applicant has signed a Developer's Statement that mitigates biological concerns of the future development of these parcels.

AGENCY REVIEW:

Public Works- Recommends approval with stock applicable conditions.

Environmental Health – 2.5 acre minimum required for well and septic. Community water required.

Ag Commissioner- Recommends Right-to-Farm disclosure

LEGAL LOT STATUS: These lots have not been legally created. See deed history below. Approval of these four Conditional Certificates of Compliance will make these four legal lots.

Deed History

The parcels are portions of Lots 4, 5, 6 and 7 of the Paso Robles Orchard Co. Tract 1, according to a map filed for record in Book 2 at Page 49 of Maps on June 9, 1920.

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Applicable deed history is as follows:

December 11, 1953 in Book 737, Page 301 – Deed from Robert A. and Marion J. Hudson deeded portion of Lots 4, 5, 6 and 7 as undivided 1/3 interest to Edgar J. and Marie McCullough; 1/3 interest to A.J. and Doris S. Graves and 1/3 interest to Clifton D. and Kathryn H. Darnall.

March 21, 1978 – 2095 OR 176 – Deed from Deggleman to Mallory

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FINDINGS - EXHIBIT A

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on April 6, 2006 for this project. Mitigation measures are proposed to address biological resources, geology and soils and public services are included as conditions of approval.

Conditional Certificate of Compliance

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan, the El Pomar/Estrella area plan and all other general plan policies because future development will be subject to all applicable standards and land use permits requirements and is consistent with the development of the area.
- C. Pursuant to the Subdivision Map Act, the parcel is required to comply with the subdivision standards in effect as of 1978 because the applicant is not the subdivider who created the current parcel and 1978 is the year the applicants gained interest in said parcels.
- D. As conditioned, the proposed project and associated use satisfies all applicable provisions of the Subdivision Map Act and County Real Property Division Ordinance.
- E. The site is physically suitable for the type of development proposed because the proposed parcels contain adequate area for development of single-family residences and residential accessory structures.
- F. The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because the project is of limited size and scope and the site is not located in an area containing substantial fish and wildlife habitat.
- G. The design of the subdivision or the type of improvement will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

Staff report prepared by Karen Nall, reviewed by Kami Griffin, Supervising Planner.

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CONDITIONS - EXHIBIT B

**CONDITIONAL CERTIFICATE OF COMPLIANCE
C04-0450**

Approved Project

1. This approval authorizes four Conditional Certificates of Compliance for the following:
 - a. 1.0 acre (Lot 7 portion)
 - b. 19,000 square feet (Lot 6 portion)
 - c. 16,500 square feet (Lot 5 portion)
 - d. 17,500 square feet (Lot 4 portion)
2. This approval requires the creation of a community water system prior to the issuance of construction permits for any of the lots.
3. Prior to issuance of construction permit for any of the lots, the applicant shall apply for and record a lot line adjustment to adjust the four conditional certificates of compliance to four conforming lots as follows:
 - a. Enlarge each of the buildable parcels not containing the community water system well to be at least 20,000 square feet in size.

Access and Improvements

4. Prior to issuance of construction permits for any of the lots, roads and or streets to be constructed to the following standards:
 - a. Mack Lane constructed to 2/3 of an A-1 section from the property to Geneseo Road (minimum paved width to be 18 feet)
5. Prior to issuance of construction permits for any of the lots, a private easement shall be recorded for access to lots 4, 5, 6 & 7.

Improvement Plans

6. Prior to issuance of construction permits for any of the lots, improvement plans shall be prepared in accordance with San Luis Obispo County Improvement Standards and Specifications by a Registered Civil Engineer and submitted to the Department of Public Works and the county Health Department for approval. The plan is to include:
 - a. Street plan and profile.
 - b. Drainage ditches, culverts, and other structures (if drainage calculations require).
 - c. Grading and erosion control plan for subdivision related improvement locations.
 - d. Public utility plan, showing all existing utilities and installation of all utilities to serve every lot.

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7. The applicant shall enter into an agreement with the county for the cost of checking the improvement plans if any, and the cost of inspection of any such improvements by the county or its designated representative prior to issuance of construction permits for any of the lots. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.
8. The Registered Civil Engineer, upon completion of the improvements, must certify to the Department of Public Works that the improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans. All public improvements has been completed prior to occupancy of any new structure.

Biology- Kit Fox

9. San Joaquin Kit Fox

Future development on each parcel will be required to mitigate impacts to San Joaquin kit fox habitat. Based on the results of previous Kit Fox Habitat Evaluations that have been conducted for the Shandon area, the standard mitigation ratio for projects on parcels less than 40 acres in size has been established as of 3:1. This means that for every acre of disturbance resulting from project activities (e.g. pad for buildings, access roads, leach fields etc.), the applicant would be required to mitigate a total of three acres of habitat. Applicants have the option of hiring a qualified biologist to conduct a Kit Fox Habitat Evaluation of the project site if the applicant believes that the evaluation would lower the score and reduce the required mitigation ratio. However, the applicant has chosen to accept the standard mitigation ratio of 3:1. The mitigation options identified in BR-1 through BR-11 apply to the proposed project only; should the project change, the mitigation obligation may also change, and a reevaluation of the mitigation measures would be required.

- 1) Prior to issuance of grading and/or construction permits, the applicant shall submit evidence to the County of San Luis Obispo, Department of Planning and Building Environmental Resource and Management Division (County) (see contact information below) that states that one or a combination of the following four San Joaquin kit fox mitigation measures has been implemented:
 - a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of 1.5 acres of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) and the County.

This mitigation alternative (a.), requires that all aspects of this program must be in place before County permit issuance or initiation of any ground disturbing activities.

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- b. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC), pursuant to the Voluntary Fee-based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The fee, payable to "The Nature Conservancy", would total \$3,750. This fee must be paid after the Department provides written notification identifying your mitigation options but prior to County permit issuance and initiation of any ground disturbing activities.

- c. Purchase credits 1.5 in a Department-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

At this time, there is no approved conservation bank that is operational in San Luis Obispo County. A conservation bank is expected to be operational in the near future. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

- d. If none of the above measures (a, b, or c) are available, the applicant may enter into a Mitigation Agreement with the Department, including depositing of funds into an escrow account (or other means of securing funds acceptable to the Department) which would ensure the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring in perpetuity. The Department can provide a draft agreement to review; a signed Mitigation Agreement shall be submitted to the County prior to County permit issuance and initiation of any ground disturbing activities.
- 2) Prior to issuance of grading and/or construction permits, or conducting any grading associated with map recordation, the applicant shall provide evidence to the County that they have retained a qualified biologist acceptable to the County Division of Environmental and Resource Management. The retained biologist shall perform the following monitoring activities:
 - a. Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction, the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.

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- b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, disking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-3 through BR11. Site-disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (see BR-2-c3). When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.
- c. Prior to or during project activities, if any observations are made of San Joaquin kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. At the time the den is discovered, the qualified biologist shall contact the U.S. Fish and Wildlife Service and the Department for guidance on possible additional kit fox protection measures to implement and whether or not a Federal and/or State incidental take permit is needed. If a potential den is encountered during construction, all work shall stop until such time the U. S. Fish and Wildlife Service and Department determine that it is appropriate to resume work.

If incidental take of kit fox during project activities is possible, before project activities commence, the applicant must consult with the U.S. Fish and Wildlife Service and the Department (see contact information below). The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.

In addition, the qualified biologist shall implement the following measures:

1. Within 30 days prior to initiation of site disturbance and/or construction, fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:
 - a) Potential kit fox den: 50 feet
 - b) Known kit fox den: 100 feet
 - c) Kit fox pupping den: 150 feet
2. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.

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3. If kit foxes or known or potential kit fox dens are found on site, daily monitoring during ground disturbing activities shall be required by a qualified biologist.

- 3) Prior to issuance of grading and/or construction permits, or approval of any improvement plans related to map recordation, the applicant shall clearly delineate as a note on the project plans, that: "Speeds signs of 25 mph maximum (or lower) shall be posted for all construction traffic, to minimize the probability of road mortality of the San Joaquin kit fox." Speed limit signs shall be installed on the project site within 30 days prior to initiation of site disturbance and/or construction,

In addition, prior to permit issuance and initiation of any ground disturbing activities, or any grading associated with map recordation, conditions BR-3 through BR-11 of the Developer's Statement/Conditions of Approval shall be clearly delineated on project plans.

- 4) During the site disturbance and/or construction phase, grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.
- 5) Prior to issuance of grading and/or construction permit, and within 30 days prior to initiation of site disturbance and/or construction, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the county, as well as any related biological report(s) prepared for the project. The applicant shall notify the County shortly prior to this meeting. A kit fox fact sheet shall also be developed prior to the training program, and distributed at the training program to all contractors, employers and other personnel involved with the construction of the project.
- 6) During the site-disturbance and/or construction phase, to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.
- 7) During the site-disturbance and/or construction phase, any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary, be moved only once to remove it from the path of activity, until the kit fox has escaped.

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- 8) During the site-disturbance and/or construction phase, all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.
- 9) Prior to, during, and after the site-disturbance and/or construction phase, use of pesticides or herbicides shall be in compliance with all local, state and federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.
- 10) During the site-disturbance and/or construction phase, any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service and the Department by telephone (see contact information below). In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to the Department for care, analysis, or disposition.
- 11) Prior to final inspection, or occupancy, whichever comes first, should any long internal or perimeter fencing be proposed or installed, the applicant shall do the following to provide for kit fox passage:
 - a. If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12".
 - b. If a more solid wire mesh fence is used, 8" x 12" openings near the ground shall be provided every 100 yards.

Upon fence installation, the applicant shall notify the County to verify proper installation. Any fencing constructed after issuance of a final permit shall follow the above guidelines.

Miscellaneous

10. This subdivision is also subject to the standard conditions of approval for all subdivisions using community water system and septic tanks (Certificates of Compliance), a copy of which is attached hereto and incorporated by reference herein as though set forth in full.

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STANDARD CONDITIONS OF APPROVAL FOR SUBDIVISIONS
USING COMMUNITY WATER AND SEPTIC TANKS (Certificates of Compliance)

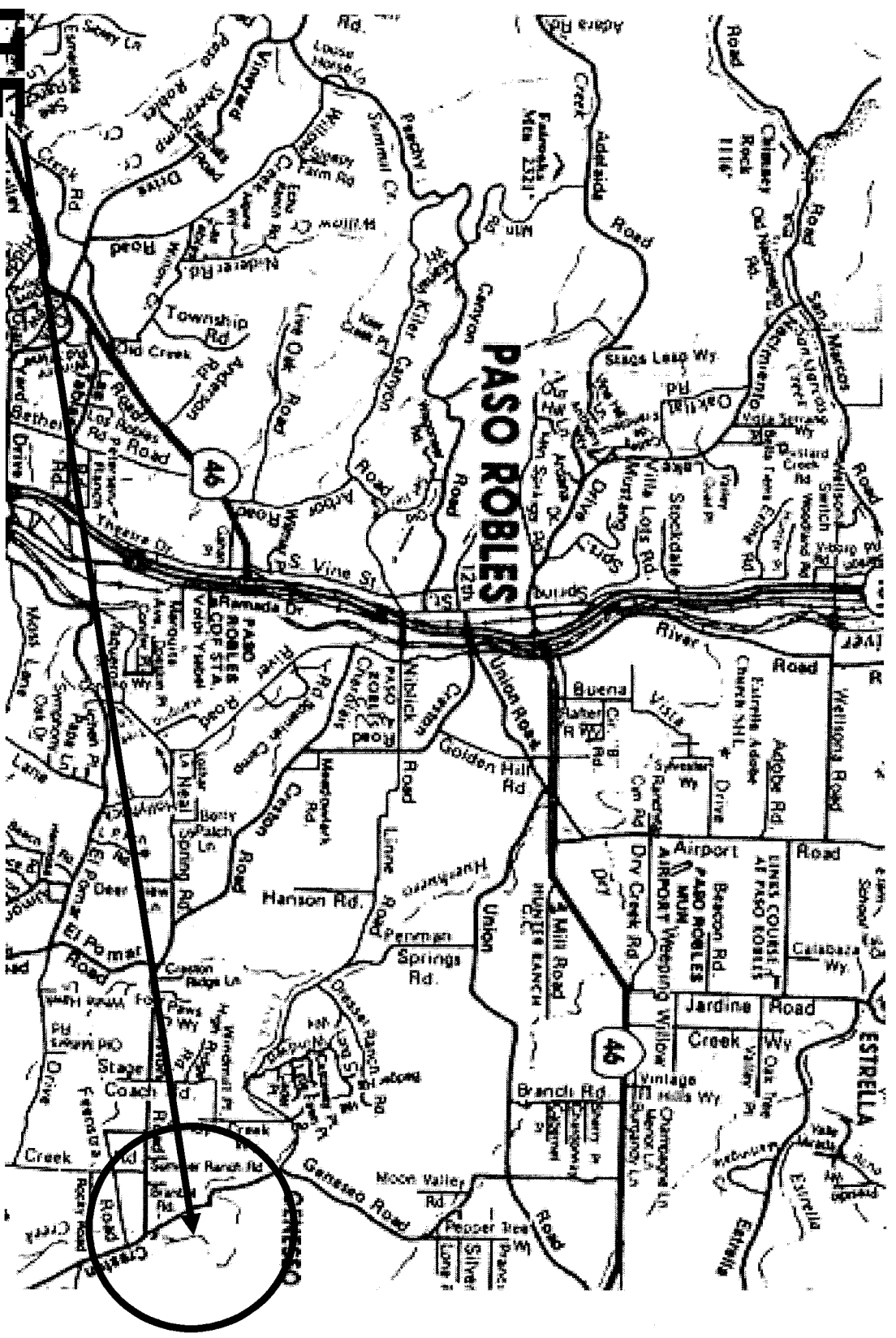
1. Community water and fire protection shall be obtained from the community water system prior issuance of construction permits for any of the lots.
2. Operable water facilities from an approved community water source shall be assured prior to issuance of construction permits for any of the lots. A "final will serve" letter shall be obtained and submitted to the county Health Department for review and approval stating there are operable water facilities immediately available for connection to the parcels created. Water main extensions, laterals to each parcel and related facilities (except well(s)) may be bonded for subject to the approval of county Public Works, the county Health Department and the public water utility.
3. No residential building permits are to be issued until the community (public) water system is operational with a domestic water supply permit issued by the county Health Officer.
4. In order to protect the public safety and prevent possible groundwater pollution, any abandoned wells on the property shall be destroyed in accordance with the San Luis Obispo County Well Ordinance Chapter 8.40, and county Health Department destruction standards. The applicant is required to obtain a permit from the county Health Department.
5. When a potentially operational or operational auxiliary water supply in the form of an existing well(s) is located on the parcels created and approved community water is proposed to serve the parcels, the community water supply shall be protected from real or potential cross-contamination by means of an approved cross-connection control device installed at the meter or property line service connection prior to occupancy. (Chapter 8.30, San Luis Obispo County Ordinance)
6. On-site systems that are in conformance with the county-approved Central Coast Regional Water Quality Control Board basin plan will be an acceptable method of sewage disposal, until public sewers may become available.
7. No sewage disposal system installations are to be placed closer than 100 feet from the top of any perennial or continuous creek banks, drainage swales or areas subject to inundation.
8. For parcels created with approved community (public) water but no community sewers, the approved on-site sewage disposal systems shall be designed, where feasible, for ease in ultimate sewerage.
9. Sewage disposal systems shall be separated from any individual domestic well and/or agricultural well, as follows: 1) leaching areas, feed lots, etc., one hundred (100) feet and bored seepage pits (dry wells), one hundred and fifty (150) feet. Domestic wells intended to serve multiple parcels or 25 or more individuals at least 60 days out of the year shall be separated by a minimum of two hundred (200) feet from a leachfield, two hundred and fifty (250) feet from seepage pits or dry wells.

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10. Sewage disposal systems installed on slopes in excess of 20% shall be designed and certified by a registered civil engineer or geologist and submitted to the county Planning and Health Departments for review and approval prior to the issuance of a building permit. Consultants shall determine geologically stable building sites and sewage disposal for each parcel, including evaluations of hillside stability under the most adverse conditions including rock saturation and seismic forces. Slopes in excess of 30% are not considered suitable or practical for on-site subsurface sewage disposal.
11. An encroachment permit shall be obtained from county Public Works for any work to be done within the county right-of-way prior to issuance of construction permits for any of the lots.
12. An encroachment permit be obtained from the California Department of Transportation for any work to be done on the state highway prior to issuance of construction permits for any of the lots.
13. Prior to completion of road improvements, the project shall be reviewed by all applicable public utility companies and a letter be obtained indicating required easements.
14. The applicant shall comply with state, county and district laws/ordinances applicable to fire protection and consider increased fire risk to area.
15. All conditions of approval herein specified, unless otherwise noted, are to be completed prior to issuance of construction permits for any of the lots.

8-14 1-34

SITE



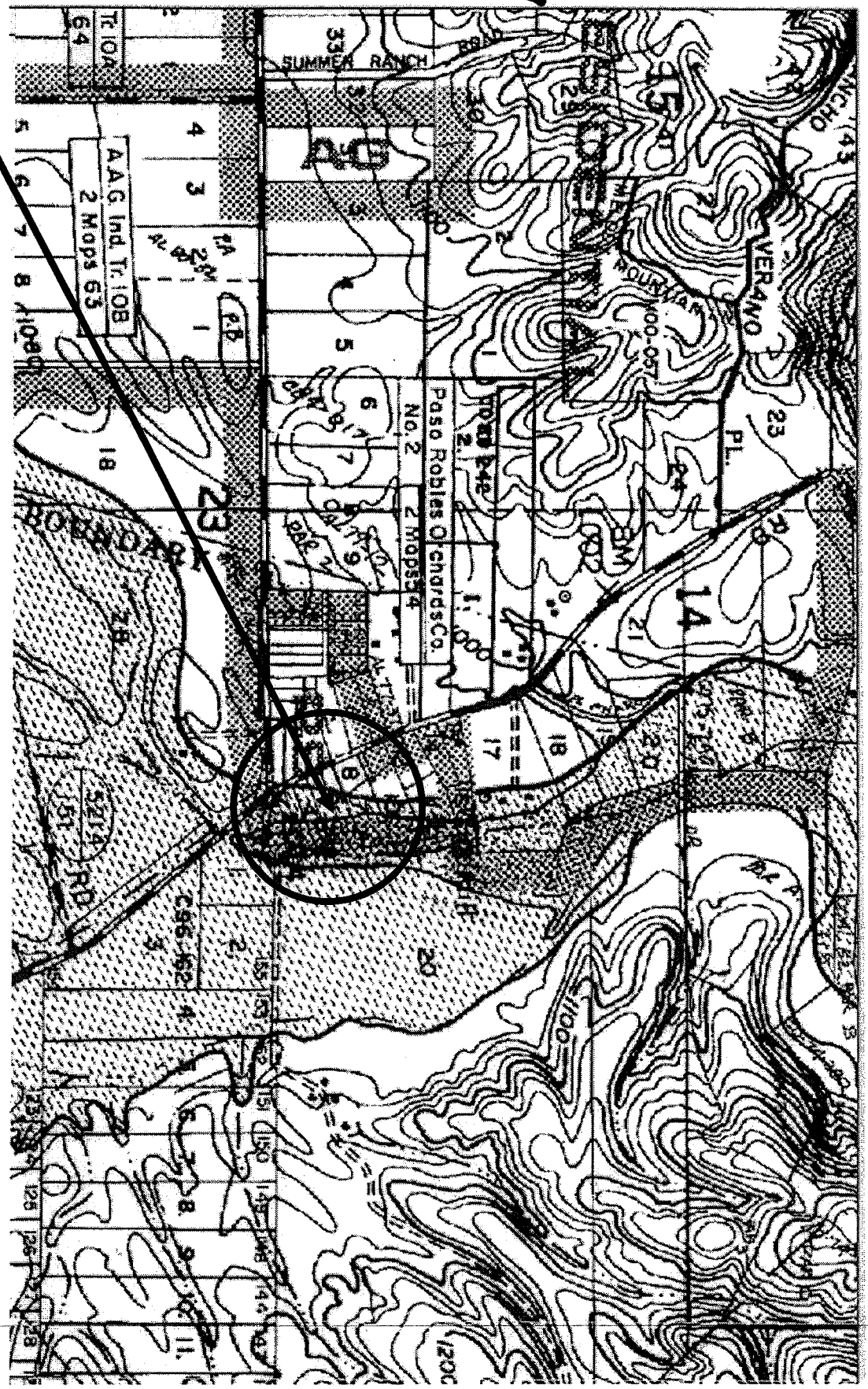
PROJECT
Certificate of Compliance
Mallory SUB2004-0045



EXHIBIT
Vicinity Map

8/5/35

SITE



PROJECT

Certificate of Compliance
Mallory SUB2004-0045

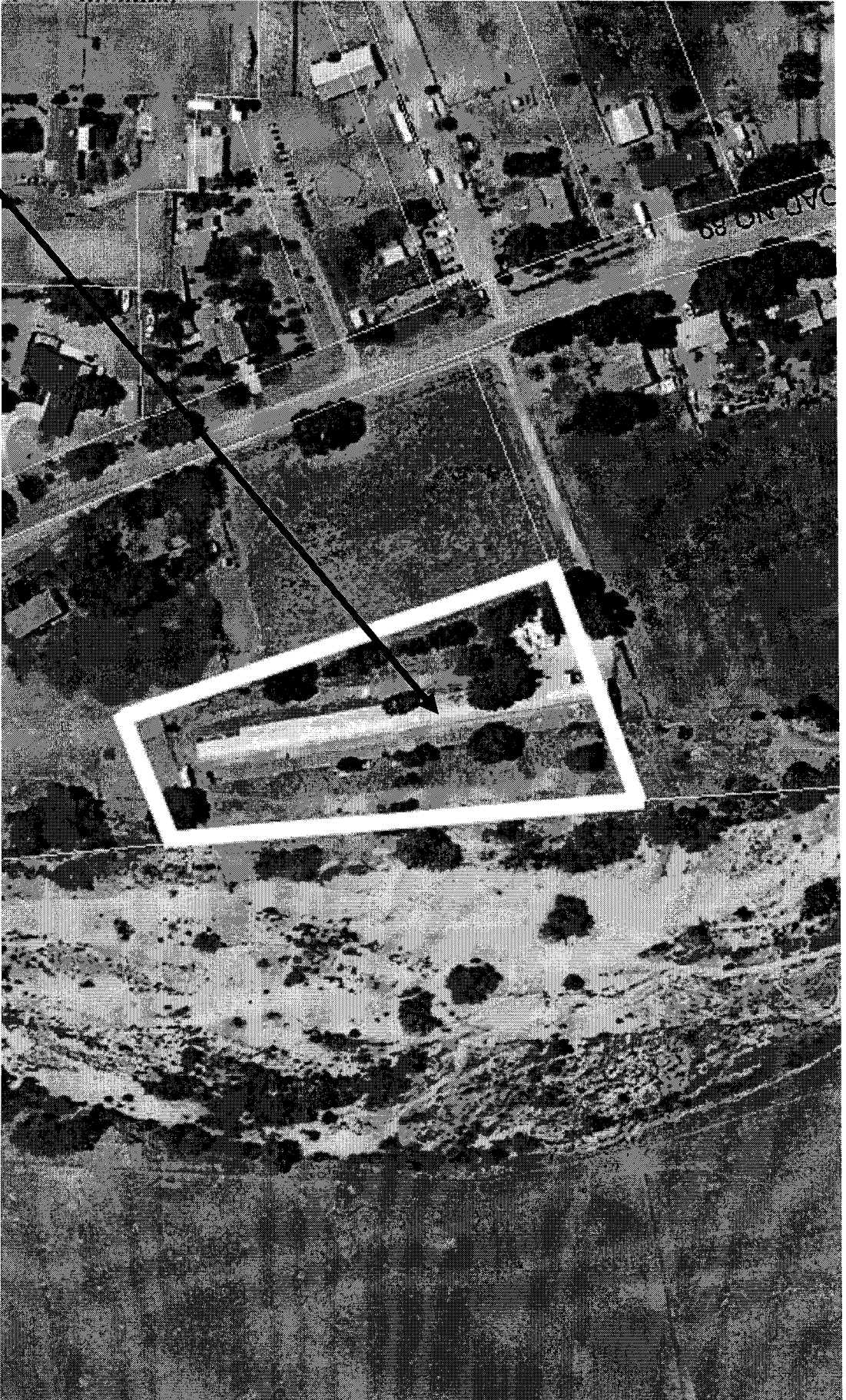
EXHIBIT

Land Use Category



8-16 1-36

SITE

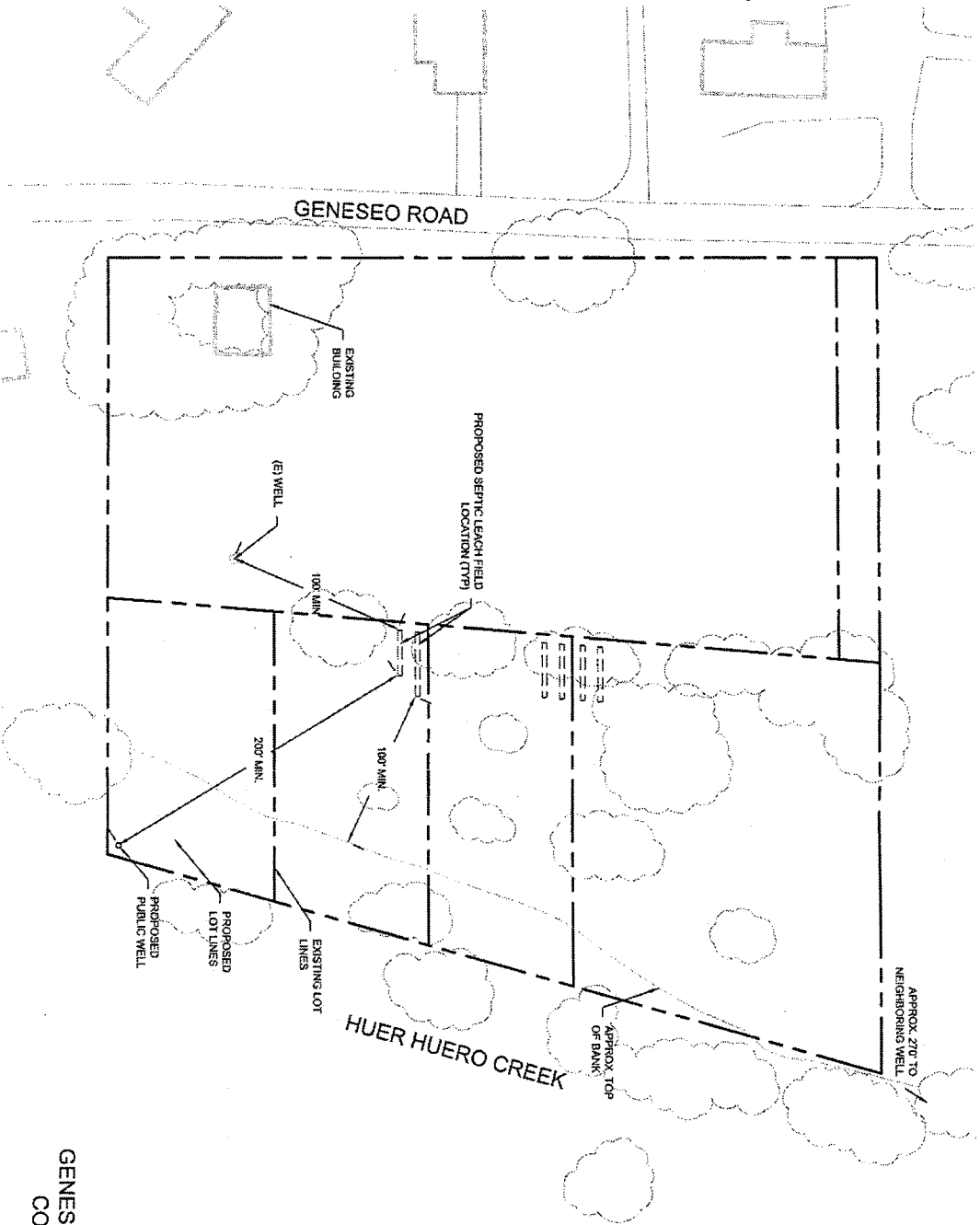


PROJECT
Certificate of Compliance
Mallory SUB2004-0045



EXHIBIT
Aerial

8-17 1-37



ABOVE GRADE ENGINEERING
 1305 Marsh Street, Suite 201, San Luis Obispo, CA 93401
 Phone: (805) 540-5115 • Fax: (805) 540-5116
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GENESEO ROAD CERTIFICATES OF COMPLIANCE LOT EXHIBIT

PROJECT
 Certificate of Compliance
 Mallory SUB2004-0045



EXHIBIT
 Site Plan

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8-19 1-39

COUNTY OF SAN LUIS OBISPO

FOR OFFICIAL USE ONLY (KN)

MITIGATED NEGATIVE DECLARATION & NOTICE OF DETERMINATION

ENVIRONMENTAL DETERMINATION NO. ED05-078

DATE: April 6, 2006

PROJECT/ENTITLEMENT: Mallory Certificate of Compliance SUB2004-00045

APPLICANT NAME: Leslie Mallory & Janet Mallory

ADDRESS: PO Box 705, Arroyo Grande, CA 93421-0705

CONTACT PERSON: Scott Stokes

Telephone: 805-801-1259

PROPOSED USES/INTENT: Request by Leslie Mallory and Janet Mallory for four conditional Certificates of compliance for four parcels ranging from 16,500 square feet to 1.0 acre, for the purpose of sale and/or development

LOCATION: The proposed project is within the residential suburban land use category and is located 2902 Geneseo Road (east side), south of the terminex of Mack Lane, approximately 5 miles east of the City of Paso Robles. The site is in the El Pomar/Estrella planning area.

LEAD AGENCY: County of San Luis Obispo Department of Planning & Building
County Government Center, Rm. 310
San Luis Obispo, CA 93408-2040

OTHER POTENTIAL PERMITTING AGENCIES: None

ADDITIONAL INFORMATION: Additional information pertaining to this environmental determination may be obtained by contacting the above Lead Agency address or (805) 781-5600.

COUNTY "REQUEST FOR REVIEW" PERIOD ENDS AT 5 p.m. on April 20, 2006

20-DAY PUBLIC REVIEW PERIOD begins at the time of public notification

Notice of Determination

State Clearinghouse No.

This is to advise that the San Luis Obispo County _____ as ☐ *Lead Agency*
☐ *Responsible Agency* approved/denied the above described project on _____, and has made the following determinations regarding the above described project:

The project will not have a significant effect on the environment. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. Mitigation measures were made a condition of the approval of the project. A Statement of Overriding Considerations was not adopted for this project. Findings were made pursuant to the provisions of CEQA.

This is to certify that the Negative Declaration with comments and responses and record of project approval is available to the General Public at:

Department of Planning and Building, County of San Luis Obispo,
County Government Center, Room 310, San Luis Obispo, CA 93408-2040

County of San Luis Obispo

Signature

Project Manager Name

Date

Public Agency



8-20 1-40

San Luis Obispo County
Department of Planning and Building
environmental division

ENVIRONMENTAL DOCUMENT FILING FEE FORM

NOTICE: During environmental review, this project required consultation, review or development of mitigation measures by the California Department of Fish and Game. Therefore, the applicants will be assessed user fees pursuant to section 711.4 of the California Fish and Game Code.. The California Environmental Quality Act (Section 21089) provides that this project is not operative, vested or final until the filing fees are paid.

Lead Agency: County of San Luis Obispo

Date: 4/3/06

County: San Luis Obispo

Project No. SUB2004-00045

Project Title: Mallory Certificate of Compliance

Project Applicant

Name: Leslie Mallory & Janet Mallory

Address: PO Box 705

City, State, Zip Code: Arroyo Grande, CA 93421-0705

Telephone #: _____

Please remit the following amount to the **County Clerk-Recorder:**

() Environmental Impact Report	\$ 850.00
(X) Negative Declaration	\$ 1250.00
(X) County Clerk's Fee	\$ 25.00

Total amount due: 1275.00

AMOUNT ENCLOSED: _____

Checks should be made out to the "**County of San Luis Obispo**". Payment must be received by the County Clerk, 1055 Monterey Street, Room D-120, San Luis Obispo, CA 93408-2040, within two days of project approval.

NOTE: Filing of the Notice of Determination for the attached environmental document requires a filing fee in the amount specified above. If the fee is not paid, the Notice of Determination cannot be filed.



8-31 1-41

COUNTY OF SAN LUIS OBISPO
INITIAL STUDY SUMMARY - ENVIRONMENTAL CHECKLIST

Project Title & No. Mallory Certificate of Compliance C04-0450
ED05-078,SUB2004-00045

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: The proposed project could have a "Potentially Significant Impact" for at least one of the environmental factors checked below. Please refer to the attached pages for discussion on mitigation measures or project revisions to either reduce these impacts to less than significant levels or require further study.

<input type="checkbox"/> Aesthetics	<input checked="" type="checkbox"/> Geology and Soils	<input type="checkbox"/> Recreation
<input type="checkbox"/> Agricultural Resources	<input type="checkbox"/> Hazards/Hazardous Materials	<input type="checkbox"/> Transportation/Circulation
<input type="checkbox"/> Air Quality	<input type="checkbox"/> Noise	<input type="checkbox"/> Wastewater
<input checked="" type="checkbox"/> Biological Resources	<input type="checkbox"/> Population/Housing	<input type="checkbox"/> Water
<input type="checkbox"/> Cultural Resources	<input checked="" type="checkbox"/> Public Services/Utilities	<input type="checkbox"/> Land Use

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation, the Environmental Coordinator finds that:

- ☐ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Karen Nall
Prepared by (Print)

Karen B Nall
Signature

3/23/06
Date

Jeff Oliveira
Reviewed by (Print)

Jeff Oliveira
Signature

Ellen Carroll,
Environmental Coordinator
(for)

3/23/06
Date

8-22-1-42

Project Environmental Analysis

The County's environmental review process incorporates all of the requirements for completing the Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study includes staff's on-site inspection of the project site and surroundings and a detailed review of the information in the file for the project. In addition, available background information is reviewed for each project. Relevant information regarding soil types and characteristics, geologic information, significant vegetation and/or wildlife resources, water availability, wastewater disposal services, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. Exhibit A includes the references used, as well as the agencies or groups that were contacted as a part of the Initial Study. The Environmental Division uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project.

Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Environmental Division, Rm. 310, County Government Center, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

A. PROJECT

DESCRIPTION: Request by Leslie Mallory & Janet Mallory for four conditional certificates of compliance for four parcels of approximately 1.0 acre, 19,000 square feet, 17,500 square feet and 16,500 square feet each for the purpose of sale and/or development. The project includes off-site road improvements. If approved, the proposed parcels will likely develop with 2 single family residences. The project will result in the disturbance of approximately 20,000 square feet total which includes road improvements and future residential construction. The proposed project is within the residential suburban land use category and is located 2902 Geneseo Road on the east side of Geneseo Road, south of the terminex of Mack Lane approximately 5 miles north of the community of Creston. The site is in the El Pomar/Estrella planning area.

ASSESSOR PARCEL NUMBER(S): 035-211-003

SUPERVISORIAL DISTRICT # 1

B. EXISTING SETTING

PLANNING AREA: El Pomar/Estrella, Rural

LAND USE CATEGORY: Residential Suburban

COMBINING DESIGNATION(S): Flood Hazard

EXISTING USES: Residence , accessory structures

TOPOGRAPHY: Nearly level

VEGETATION: Grasses

PARCEL SIZE: 2.6 acres

SURROUNDING LAND USE CATEGORIES AND USES:

<i>North:</i> Residential Suburban; residential	<i>East:</i> Agriculture; Huer Huero Creek
<i>South:</i> Residential Suburban; residential	<i>West:</i> Residential Suburban; residential

8-23-1-43

C. ENVIRONMENTAL ANALYSIS

During the Initial Study process, several issues were identified as having potentially significant environmental effects (see following Initial Study). Those potentially significant items associated with the proposed uses can be minimized to less than significant levels.

COUNTY OF SAN LUIS OBISPO INITIAL STUDY CHECKLIST

1.	AESTHETICS - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a)	Create an aesthetically incompatible site open to public view?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Introduce a use within a scenic view open to public view?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Change the visual character of an area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Create glare or night lighting, which may affect surrounding areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	Impact unique geological or physical features?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f)	Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The subject site and surrounding area can be characterized as level topography and having a residential suburban atmosphere. The site has an existing residence and 20,000 square foot barn which was constructed in the 1950's. The applicants are in the process of demolishing the barn. The project will not be visible from any major public roadway or silhouetting against any ridgelines as viewed from public roadways. The development of the parcels with residential and accessory structures is considered compatible with the surrounding uses.

Impact. No significant visual impacts are expected to occur.

Mitigation/Conclusion. No mitigation measures are necessary.

2.	AGRICULTURAL RESOURCES - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a)	Convert prime agricultural land to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Impair agricultural use of other property or result in conversion to other uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Conflict with existing zoning or Williamson Act program?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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2. AGRICULTURAL RESOURCES

- Will the project:

Potentially
Significant

Impact can
& will be
mitigated

Insignificant
Impact

Not
Applicable

d) Other: _____

☐
☐
☐
☐

Setting. The soil types include: Pico fine sandy loam, (0 - 2% slope), Xerofluvents-Riverwash association (NA Slope). As described in the Natural Resource Conservation Service Soil Survey, the "non-irrigated" soil class is "IV to VIII", and the "irrigated" soil class is "NA to I". As discussed above the there is a 20,000 square foot barn currently being demolished. The barn was used to raise chickens in the past but has not been used recently.

Impact. The project was referred to the Agriculture Department and they concluded that the project is located in a predominantly non-agricultural area with no agricultural activities occurring on the property or immediate vicinity. No significant impacts to agricultural resources are anticipated.

Mitigation/Conclusion. No mitigation measures are necessary.

3. AIR QUALITY - Will the project:

Potentially
Significant

Impact can
& will be
mitigated

Insignificant
Impact

Not
Applicable

a) **Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?**

☐
☐
☒
☐

b) **Expose any sensitive receptor to substantial air pollutant concentrations?**

☐
☐
☒
☐

c) **Create or subject individuals to objectionable odors?**

☐
☐
☐
☒

d) **Be inconsistent with the District's Clean Air Plan?**

☐
☐
☒
☐

e) Other: _____

☐
☐
☐
☐

Setting. The Air Pollution Control District (APCD) has developed the CEQA Air Quality Handbook to evaluate project specific impacts and help determine if air quality mitigation measures are needed, or if potentially significant impacts could result. To evaluate long-term emissions, cumulative effects, and establish countywide programs to reach acceptable air quality levels, a Clean Air Plan has been adopted (prepared by APCD).

Impact. The proposed project is for 4 certificates of compliance. If approved 3 single family residence will likely be constructed on the vacant parcels. This will result in the disturbance of approximately 20,000 square feet. This will result in the creation of construction dust, as well as short- and long-term vehicle emissions. Based on Table 1-1 of the CEQA Air Quality Handbook, the project will result in less than 10 lbs./day of pollutants, which is below thresholds warranting any

~~8-25~~ 1-45

mitigation. The project is consistent with the general level of development anticipated and projected in the Clean Air Plan. No significant air quality impacts are expected to occur.

Mitigation/Conclusion. No mitigation measures are necessary.

4. BIOLOGICAL RESOURCES - <i>Will the project:</i>		Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a)	<i>Result in a loss of unique or special status species or their habitats?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b)	<i>Reduce the extent, diversity or quality of native or other important vegetation?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	<i>Impact wetland or riparian habitat?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	<i>Introduce barriers to movement of resident or migratory fish or wildlife species, or factors, which could hinder the normal activities of wildlife?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e)	<i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The following habitats were observed on the proposed project: Grasses Based on the latest California Diversity database and other biological references, the following species or sensitive habitats were identified:

Vernal Pools/Fairy shrimp. The project site occurs within a region identified as potential vernal pool habitat. Vernal pool habitat consists of seasonal wetlands (i.e. areas that pond water during the wet season and dry up during the summer months) Vernal pool habitat consists of seasonal wetlands (i.e. areas that pond water during the wet season and dry up during the summer months) that may provide habitat for sensitive aquatic plant and animal species.

Impact. A site visit of the project site was made to identify the potential for vernal pool habitat and/or listed plant and fairy shrimp species. At this time, no evidence of vernal pools or potential areas for ponded water was observed. The topography on the project site is such that water would not pool in a manner consistent with the characteristics of vernal pools or seasonal wetlands and the sandy soils would preclude vernal pool habitat occurrence. Therefore, there was no indication of habitat suitable for supporting fairy shrimp or sensitive plant species associated with vernal pools.

Plants: None

Wildlife: San Joaquin Kit Fox (*Vulpes macrotis mutica*)

Habitats: Potential Coast Horned Lizard Habitat; Potnetial Least Bells Viero and Wilow Flycatcher habitat app. 0.3 miles north of the property; Blue Oak Woodland (Scattered <10% Density) app. 0.3 miles northeast of the property

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Impact. Based on the results of previous Kit Fox Habitat Evaluations that have been conducted for the Creston and Paso Robles area, the standard mitigation ratio for projects on parcels less than 40 acres in size has been established as 3:1. This means that all impacts to kit fox habitat must be mitigated at a ratio of 3 acres conserved for each acre impacted (3:1). The project will result in the permanent disturbance of 0.5 acres of kit fox habitat.

Applicants have the option of hiring a qualified biologist to conduct a Kit Fox Habitat Evaluation of the project site if the applicant believes that the evaluation would lower the score and reduce the required mitigation ratio. However, the applicant has chosen to accept the standard mitigation ratio of 3:1, which requires that a total compensatory acreage of 1.5 acres (0.5 acres multiplied by a 3:1 ratio) be mitigated.

Mitigation. The applicant will be required to mitigate the loss of 1.5 acres of kit fox habitat by one of the following ways: Deposit of funds to an approved in-lieu fee program; provide for the protection of kit foxes in perpetuity through acquisition of fee or conservation easement of suitable habitat in the kit fox corridor area; or purchase credits in an approved conservation bank. At this time, there is no approved Conservation Bank that is operational in San Luis Obispo County. If none of the other three alternatives are available, the applicant may enter into a Mitigation Agreement with the Department of Fish and Game, including depositing funds into an escrow account (or other means of securing funds acceptable to the Department) which would assure the protection in perpetuity of suitable habitat in the kit fox corridor area and provide for a non-wasting endowment for management. To prevent inadvertent harm to kit fox, the applicant has agreed to retain a biologist for a pre-construction survey, a pre-construction briefing for contractors, and monitoring activities in addition to implementing cautionary construction measures. These mitigation measures are listed in detail in Exhibit B Mitigation Summary Table.

5. CULTURAL RESOURCES -
Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Disturb pre-historic resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Disturb historic resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Disturb paleontological resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project is located in an area historically occupied by the Salinan. No historic structures are present and no paleontological resources are known to exist in the area.

Impact. The project is located in an area historically occupied by the Obispeño and Northern Salinian. The project is located in an area that would be considered culturally sensitive due to its location near the Huer Huero Creek corridor. Thor Conway, Heritage Discoveries Inc., conducted a Phase I (surface) survey on January 6, 2006. No evidence of cultural materials was noted on the property. Impacts to historical or paleontological resources are not expected.

Mitigation/Conclusion. No significant cultural resource impacts are expected to occur, and no mitigation measures are necessary.

5-37 1-47

6. GEOLOGY AND SOILS -
Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Be within a California Geological Survey "Alquist-Priolo Earthquake Fault Zone"?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Result in soil erosion, topographic changes, loss of topsoil or unstable soil conditions from project-related improvements, such as vegetation removal, grading, excavation, or fill?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Change rates of soil absorption, or amount or direction of surface runoff?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Include structures located on expansive soils?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Change the drainage patterns where substantial on- or off-site sedimentation/ erosion or flooding may occur?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Involve activities within the 100-year flood zone?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h) <i>Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) <i>Preclude the future extraction of valuable mineral resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. GEOLOGY - The topography of the project is nearly level. The area proposed for development is outside of the Geologic Study Area designation. The landslide risk potential is considered low. The liquefaction potential during a ground-shaking event is considered high.

No active faulting is known to exist on or near the subject property. The project is not within a known area containing serpentine or ultramafic rock or soils.

Any project within the Geologic Study area designation or within a high liquefaction area is subject to the preparation of a geological report per the County's Land Use Ordinance (LUO) section 22.14.070 (c) to evaluate the area's geological stability relating to the proposed use.

DRAINAGE – The area proposed for development is within the 100-year Flood Hazard designation.

~~8-28~~ 1-48

The closest creek (Huer Huero Creek) from the proposed development is adjacent east of the property. As described in the Natural Resource Conservation Service Soil Survey, the soil is considered moderately drained. For areas where drainage is identified as a potential issue, the LUO (Sec. 22.52.080) includes a provision to prepare a drainage plan to minimize potential drainage impacts. When required, this plan would need to address measures such as: constructing on-site retention or detention basins, or installing surface water flow dissipaters. This plan would also need to show that the increased surface runoff would have no more impacts than that caused by historic flows.

SEDIMENTATION AND EROSION – The soil types include: Pico fine sandy loam, (0 - 2% slope), Xerofluvents-Riverwash association (NA Slope). As described in the NRCS Soil Survey, the soil surface is considered to have moderate erodibility and low shrink-swell characteristics.

Impact. As proposed, the project will result in the disturbance of approximately 20,000 square feet. Future construction may expose structures and residents to the effects of high liquefaction hazards during an earthquake. In addition, future development would also expose future structures and residents to the hazards of flooding due to the properties' location within the Flood Hazard designation.

Future construction on the parcels, including the likely placement of significant quantities of fill would result in the potential release of sediment into Huer Huero Creek due to the properties' proximity to the creek.

Mitigation/Conclusion. Prior to issuance of construction permits, a geological report must be prepared to identify any concern with high liquefaction. Any recommendation of the geological report should be adhered to, including specific construction measures to reduce the effects of liquefaction. A drainage plan will also be required prior to issuance of any building permits as required by the land use ordinance for development within the flood hazard designation. Mitigations may include addition of fill to raise the surface elevation to level above the 100 year flood level.

Standard ordinance requirements would require a sedimentation and erosion control plan be prepared and implemented for any construction requiring a grading permit. This will adequately address the potential impacts as a result of sedimentation and erosion control.

7. HAZARDS & HAZARDOUS MATERIALS - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Result in a risk of explosion or release of hazardous substances (e.g. oil, pesticides, chemicals, radiation) or exposure of people to hazardous substances?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Interfere with an emergency response or evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

~~8-29~~ 1-49

7. HAZARDS & HAZARDOUS MATERIALS - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
c) <i>Expose people to safety risk associated with airport flight pattern?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) <i>Increase fire hazard risk or expose people or structures to high fire hazard conditions?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Create any other health hazard or potential hazard?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project is not located in an area of known hazardous material contamination. The project is not within a high severity risk area for fire. The project is not within the Airport Review area.

Impact. The project does not propose the use of hazardous materials. The project does not present a significant fire safety risk. The project is not expected to conflict with any regional evacuation plan.

Mitigation/Conclusion. No significant impacts as a result of hazards or hazardous materials are anticipated, and no mitigation measures are necessary.

8. NOISE - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Expose people to noise levels that exceed the County Noise Element thresholds?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Generate increases in the ambient noise levels for adjoining areas?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Expose people to severe noise or vibration?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project is not within close proximity of loud noise sources, and will not conflict with any sensitive noise receptors (e.g., residences). Based on the Noise Element's projected future noise generation from known stationary and vehicle-generated noise sources, the project is within an acceptable threshold area.

Impact. The project is not expected to generate loud noises, nor conflict with the surrounding uses.

Mitigation/Conclusion. No significant noise impacts are anticipated, and no mitigation measures are necessary.

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9. POPULATION/HOUSING -

Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Displace existing housing or people, requiring construction of replacement housing elsewhere?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create the need for substantial new housing in the area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Use substantial amount of fuel or energy?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting In its efforts to provide for affordable housing, the county currently administers the Home Investment Partnerships (HOME) Program and the Community Development Block Grant (CDBG) program, which provides limited financing to projects relating to affordable housing throughout the county.

Impact. The project will not result in a need for a significant amount of new housing, and will not displace existing housing.

Mitigation/Conclusion. No significant population and housing impacts are anticipated, and no mitigation measures are necessary.

10. PUBLIC SERVICES/UTILITIES -

Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Fire protection?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Police protection (e.g., Sheriff, CHP)?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Schools?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) <i>Roads?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Solid Wastes?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Other public facilities?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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10. PUBLIC SERVICES/UTILITIES -
*Will the project have an effect upon,
 or result in the need for new or
 altered public services in any of the
 following areas:*

Potentially
Significant

Impact can
& will be
mitigated

Insignificant
Impact

Not
Applicable

g) *Other:* _____

☐
☐
☐
☐

Setting. The project area is served by the County Sheriff's Department and CDF/County Fire as the primary emergency responders. The closest CDF fire station (Creston Station 43) is approximately 5 miles to the south. The closest Sheriff substation is in Templeton, which is approximately 12 miles from the proposed project. The project is located in the Paso Robles Joint Unified School District.

Impact. The project's direct and cumulative impacts are within the general assumptions of allowed use for the subject property that was used to estimate the fees in place.

Mitigation/Conclusion. Public facility (county) and school (State Government Code 65995 et sec) fee programs have been adopted to address the project's direct and cumulative impacts, and will reduce the impacts to less than significant levels.

11. RECREATION - Will the project:

Potentially
Significant

Impact can
& will be
mitigated

Insignificant
Impact

Not
Applicable

a) *Increase the use or demand for parks
or other recreation opportunities?*

☐
☐
☒
☐

b) *Affect the access to trails, parks or
other recreation opportunities?*

☐
☐
☒
☐

c) *Other* _____

☐
☐
☒
☐

Setting. The County Trails Plan shows that a potential trail does not go through the proposed project. The project is not proposed in a location that will affect any trail, park or other recreational resource.

Impact. The proposed project will not create a significant need for additional park or recreational resources.

Mitigation/Conclusion. No significant recreation impacts are anticipated, and no mitigation measures are necessary.

**12. TRANSPORTATION/
CIRCULATION - Will the project:**

Potentially
Significant

Impact can
& will be
mitigated

Insignificant
Impact

Not
Applicable

a) *Increase vehicle trips to local or
areawide circulation system?*

☐
☐
☒
☐

b) *Reduce existing "Levels of Service"
on public roadway(s)?*

☐
☐
☒
☐

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**12. TRANSPORTATION/
CIRCULATION - Will the project:**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
c) <i>Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Provide for adequate emergency access?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Result in inadequate parking capacity?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Result in inadequate internal traffic circulation?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., pedestrian access, bus turnouts, bicycle racks, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) <i>Result in a change in air traffic patterns that may result in substantial safety risks?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) <i>Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. Future development will access onto the following public road(s): Mack Lane and Geneseo Roads. Referrals were sent to Public Works. No significant traffic-related concerns were identified however, the project will be conditioned for road improvements to Mack Lane.

Impact. The proposed project is estimated to generate about 20 trips per day, based on the Institute of Traffic Engineer's manual of 10/unit. This small amount of additional traffic will not result in a significant change to the existing road service or traffic safety levels.

Mitigation/Conclusion. No significant traffic impacts were identified, and no mitigation measures are necessary.

**13. WASTEWATER - Will the
project:**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate waste discharge requirements or Central Coast Basin Plan criteria for wastewater systems?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Change the quality of surface or ground water (e.g., nitrogen-loading, daylighting)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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13. WASTEWATER - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
c) <i>Adversely affect community wastewater service provider?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. As described in the NRCS Soil Survey (see Geology section for soil types), the main limitations for on-site wastewater systems relates to: flood hazards. These limitations are summarized as follows:

Flooding – this characteristic is applied when there is a temporary inundation in an area that is subject to overflowing streams, caused by surface runoff from adjacent slopes or by tides. “Occasional” flooding refers to the area being flooded on the average once or less every two years. “Frequent” flooding refers to the area being flooded on the average once or more every two years.

Impact. The project proposes to use an on-site system as its means to dispose wastewater. Based on the proposed plans, adequate area appears available for an on-site system.

Mitigation/Conclusion. The leach lines shall be located at least 100 feet from the Huer Huero Creek, 100 from any private well and at least 200 from the proposed community water system well. Prior to building permit issuance, the septic systems will be evaluated in greater detail to insure compliance with the Central Coast Basin Plan for any constraints listed above, and will not be approved if Basin Plan criteria cannot be met.

14. WATER - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate any water quality standards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, temperature, dissolved oxygen, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Change the quantity or movement of available surface or ground water?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Adversely affect community water service provider?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project proposes to create a community water system which is a requirement for the

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creation of parcels less than 2.5 acres in size. The Environmental Health Division has reviewed the project for water availability and has determined that there is preliminary evidence that there will be sufficient water available to serve the proposed project. Based on available information, the proposed water source is not known to have any significant availability or quality problems.

The topography of the project is nearly level. The closest creek (Huer Huero Creek) which is adjacent to the site. As described in the NRCS Soil Survey, the soil surface is considered to have moderate erodibility.

Impact. As proposed, the project will result in the disturbance of approximately 20,000 square feet. Based on the project description, as shown below, a reasonable "worst case" indoor water usage would likely be about 3.4 acre feet/year (AFY)

3 residential lots (w/primary (0.85 afy) = 2.55 afy

Source: "City of Santa Barbara Water Demand Factor & Conservation Study "User Guide" (Aug., 1989)

Future construction on the parcels, including the likely placement of significant quantities of fill would result in the potential release of sediment into Huer Huero Creek due to the properties' proximity to the creek.

Mitigation/Conclusion. Since no potentially significant water quantity impacts were identified, no specific measures above standard requirements have been determined necessary.

A drainage plan will be required prior to issuance of any building permits as required by the land use ordinance for development within the flood hazard designation. Mitigations may include addition of fill to raise the surface elevation to level above the 100 year flood level.

Standard ordinance requirements would require a sedimentation and erosion control plan be prepared and implemented for any construction requiring a grading permit. This will adequately address the potential impacts to surface water as a result of sedimentation and erosion control.

15. LAND USE - Will the project:		Inconsistent	Potentially Inconsistent	Consistent	Not Applicable
a)	<i>Be potentially inconsistent with land use, policy/regulation (e.g., general plan [county land use element and ordinance], local coastal plan, specific plan, Clean Air Plan, etc.) adopted to avoid or mitigate for environmental effects?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	<i>Be potentially inconsistent with any habitat or community conservation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	<i>Be potentially inconsistent with adopted agency environmental plans or policies with jurisdiction over the project?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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15. LAND USE - Will the project:	Inconsistent	Potentially Inconsistent	Consistent	Not Applicable
d) <i>Be potentially incompatible with surrounding land uses?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. The proposed project is a request for four conditional certificates of compliance in order to legalize the parcels which were created in violation of the State Subdivision Map Act. The certificates of compliance will allow the development and or sale of the four individual parcels. Surrounding uses are identified on Page 2 of the Initial Study. The proposed project was reviewed for consistency with policy and/or regulatory documents relating to the environment and appropriate land use (e.g., County Land Use Ordinance, Local Coastal Plan, etc.). Referrals were sent to outside agencies to review for policy consistencies (e.g., CDF for Fire Code, APCD for Clean Air Plan, etc.). The project was found to be consistent with these documents (refer also to Exhibit A on reference documents used).

The project is not within or adjacent to a Habitat Conservation Plan area. The project is consistent or compatible with the surrounding uses as summarized on page 2 of this Initial Study.

Mitigation/Conclusion. No inconsistencies were identified and therefore no additional measures above what will already be required was determined necessary.

16. MANDATORY FINDINGS OF SIGNIFICANCE - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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For further information on CEQA or the county's environmental review process, please visit the County's web site at "www.sloplanning.org" under "Environmental Review", or the California Environmental Resources Evaluation System at "http://ceres.ca.gov/topic/env_law/ceqa/guidelines/" for information about the California Environmental Quality Act.

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Exhibit A - Initial Study References and Agency Contacts

The County Planning or Environmental Division have contacted various agencies for their comments on the proposed project. With respect to the subject application, the following have been contacted (marked with an ☒) and when a response was made, it is either attached or in the application file:

<u>Contacted</u>	<u>Agency</u>	<u>Response</u>
<input checked="" type="checkbox"/>	County Public Works Department	Attached
<input checked="" type="checkbox"/>	County Environmental Health Division	Attached
<input checked="" type="checkbox"/>	County Agricultural Commissioner's Office	In File**
<input type="checkbox"/>	County Airport Manager	Not Applicable
<input type="checkbox"/>	Airport Land Use Commission	Not Applicable
<input type="checkbox"/>	Air Pollution Control District	Not Applicable
<input type="checkbox"/>	County Sheriff's Department	Not Applicable
<input checked="" type="checkbox"/>	Regional Water Quality Control Board	None
<input type="checkbox"/>	CA Coastal Commission	Not Applicable
<input type="checkbox"/>	CA Department of Fish and Game	Not Applicable
<input type="checkbox"/>	CA Department of Forestry	Not Applicable
<input type="checkbox"/>	CA Department of Transportation	Not Applicable
<input type="checkbox"/>	Community Service District	Not Applicable
<input type="checkbox"/>	Other _____	Not Applicable
<input type="checkbox"/>	Other _____	Not Applicable

**** "No comment" or "No concerns"-type responses are usually not attached**

The following checked ("☒") reference materials have been used in the environmental review for the proposed project and are hereby incorporated by reference into the Initial Study. The following information is available at the County Planning and Building Department.

<input checked="" type="checkbox"/> Project File for the Subject Application	<input type="checkbox"/> Area Plan and Update EIR
<u>County documents</u>	<input type="checkbox"/> Circulation Study
<input type="checkbox"/> Airport Land Use Plans	<u>Other documents</u>
<input checked="" type="checkbox"/> Annual Resource Summary Report	<input checked="" type="checkbox"/> Archaeological Resources Map
<input type="checkbox"/> Building and Construction Ordinance	<input checked="" type="checkbox"/> Area of Critical Concerns Map
<input type="checkbox"/> Coastal Policies	<input checked="" type="checkbox"/> Areas of Special Biological Importance Map
<input checked="" type="checkbox"/> Framework for Planning (Coastal & Inland)	<input checked="" type="checkbox"/> California Natural Species Diversity Database
<input checked="" type="checkbox"/> General Plan (Inland & Coastal), including all maps & elements; more pertinent elements considered include:	<input checked="" type="checkbox"/> Clean Air Plan
<input checked="" type="checkbox"/> Agriculture & Open Space Element	<input checked="" type="checkbox"/> Fire Hazard Severity Map
<input checked="" type="checkbox"/> Energy Element	<input checked="" type="checkbox"/> Flood Hazard Maps
<input checked="" type="checkbox"/> Environment Plan (Conservation, Historic and Esthetic Elements)	<input checked="" type="checkbox"/> Natural Resources Conservation Service Soil Survey for SLO County
<input checked="" type="checkbox"/> Housing Element	<input checked="" type="checkbox"/> Regional Transportation Plan
<input checked="" type="checkbox"/> Noise Element	<input checked="" type="checkbox"/> Uniform Fire Code
<input type="checkbox"/> Parks & Recreation Element	<input checked="" type="checkbox"/> Water Quality Control Plan (Central Coast Basin – Region 3)
<input checked="" type="checkbox"/> Safety Element	<input checked="" type="checkbox"/> GIS mapping layers (e.g., habitat, streams, contours, etc.)
<input checked="" type="checkbox"/> Land Use Ordinance	<input type="checkbox"/> Other _____
<input type="checkbox"/> Real Property Division Ordinance	
<input type="checkbox"/> Trails Plan	
<input type="checkbox"/> Solid Waste Management Plan	

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Exhibit B - Mitigation Summary Table

Biological Resources

San Joaquin Kit Fox

Based on the results of previous Kit Fox Habitat Evaluations that have been conducted for the Creston and Paso Robles area, the standard mitigation ratio for projects on parcels less than 40 acres in size has been established as 3:1. This means that all impacts to kit fox habitat must be mitigated at a ratio of 3 acres conserved for each acre impacted (3:1). The project will result in the permanent disturbance of 0.5 acres of kit fox habitat.

Applicants have the option of hiring a qualified biologist to conduct a Kit Fox Habitat Evaluation of the project site if the applicant believes that the evaluation would lower the score and reduce the required mitigation ratio. However, the applicant has chosen to accept the standard mitigation ratio of 3:1, which requires that a total compensatory acreage of 1.5 acres (0.5 acres multiplied by a 3:1 ratio) be mitigated. The mitigation options identified in BR-1 through BR-11 apply **to the proposed project only**; should the project change, the mitigation obligation may also change, and a reevaluation of the mitigation measures would be required.

BR-1 Prior to issuance of grading and/or construction permits, the applicant shall submit evidence to the County of San Luis Obispo, Department of Planning and Building, Environmental and Resource Management Division (County) (see contact information below) that states that one or a combination of the following four San Joaquin kit fox mitigation measures has been implemented:

a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of 1.5 acres of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) and the County.

This mitigation alternative (a.), requires that all aspects of this program must be in place before County permit issuance or initiation of any ground disturbing activities.

b. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The fee, payable to "The Nature Conservancy," would total \$3,750. This fee must be paid after the Department provides written notification identifying your mitigation options but prior to County permit issuance and initiation of any ground disturbing activities.

c. Purchase 1.5 credits in a Department-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

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At this time, there is no approved conservation bank that is operational in San Luis Obispo County. A conservation bank is expected to be operational in the near future. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

d. If none of the above measures (a, b, or c) are available, the applicant may enter into a Mitigation Agreement with the Department, including depositing of funds into an escrow account (or other means of securing funds acceptable to the Department) which would ensure the protection in perpetuity of 1.5 acres of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring in perpetuity. The Department can provide a draft agreement to review; a signed Mitigation Agreement shall be submitted to the County prior to County permit issuance and initiation of any ground disturbing activities.

BR-2 Prior to issuance of grading and/or construction permits, the applicant shall provide evidence that they have retained a qualified biologist acceptable to the County Division of Environmental and Resource Management. The retained biologist shall perform the following monitoring activities:

a. **Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction**, the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.

b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, disking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-3 through BR11. Site-disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (see BR-2-c3). When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.

c. **Prior to or during project activities**, if any observations are made of San Joaquin Kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. At the time a den is discovered, the qualified biologist shall contact the U.S. Fish and Wildlife Service and the Department for guidance on possible additional kit fox protection measures to implement and whether or not a Federal and/or State incidental take permit is needed. If a potential den is encountered during construction, work shall stop until such time the U.S. Fish and Wildlife Service/Department determine it is appropriate to resume work.

If incidental take of kit fox during project activities is possible, **before project activities commence**, the applicant must consult with the U.S. Fish and Wildlife Service and the Department (see contact information below). The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.

In addition, the qualified biologist shall implement the following measures:

1. **Within 30 days prior to initiation of site disturbance and/or construction**, fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or

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wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:

- a) Potential kit fox den: 50 feet
- b) Known or active kit fox den: 100 feet
- c) Kit fox pupping den: 150 feet

2. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.

3. If kit foxes or known or potential kit fox dens are found on site, daily monitoring during ground disturbing activities shall be required by a qualified biologist.

BR-3 Prior to issuance of grading and/or construction permits, the applicant shall clearly delineate as a note on the project plans, that: *"Speed signs of 25 mph (or lower) shall be posted for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox"*. Speed limit signs shall be installed on the project site **within 30 days prior to initiation of site disturbance and/or construction**,

In addition, **prior to permit issuance and initiation of any ground disturbing activities**, conditions BR-3 through BR-11 of the Developer's Statement/Conditions of Approval shall be clearly delineated on project plans.

BR-4 During the site disturbance and/or construction phase, grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.

BR-5 Prior to issuance of grading and/or construction permit and within 30 days prior to initiation of site disturbance and/or construction, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the county, as well as any related biological report(s) prepared for the project. The applicant shall notify the County shortly prior to this meeting. A kit fox fact sheet shall also be developed prior to the training program, and distributed at the training program to all contractors, employers and other personnel involved with the construction of the project.

BR-6 During the site-disturbance and/or construction phase, to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.

BR-7 During the site-disturbance and/or construction phase, any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is

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discovered inside a pipe, that section of pipe will not be moved, or if necessary, be moved only once to remove it from the path of activity, until the kit fox has escaped.

BR-8 During the site-disturbance and/or construction phase, all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.

BR-9 Prior to, during and after the site-disturbance and/or construction phase, use of pesticides or herbicides shall be in compliance with all local, state and federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.

BR-10 During the site-disturbance and/or construction phase, any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service and the Department by telephone (see contact information below). In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to the Department for care, analysis, or disposition.

BR-11 Prior to final inspection, or occupancy, whichever comes first, should any long internal or perimeter fencing be proposed or installed, the applicant shall do the following to provide for kit fox passage:

- a. If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12".
- b. If a more solid wire mesh fence is used, 8" x 12" openings near the ground shall be provided every 100 yards.

Upon fence installation, the applicant shall notify the County to verify proper installation. Any fencing constructed after issuance of a final permit shall follow the above guidelines.

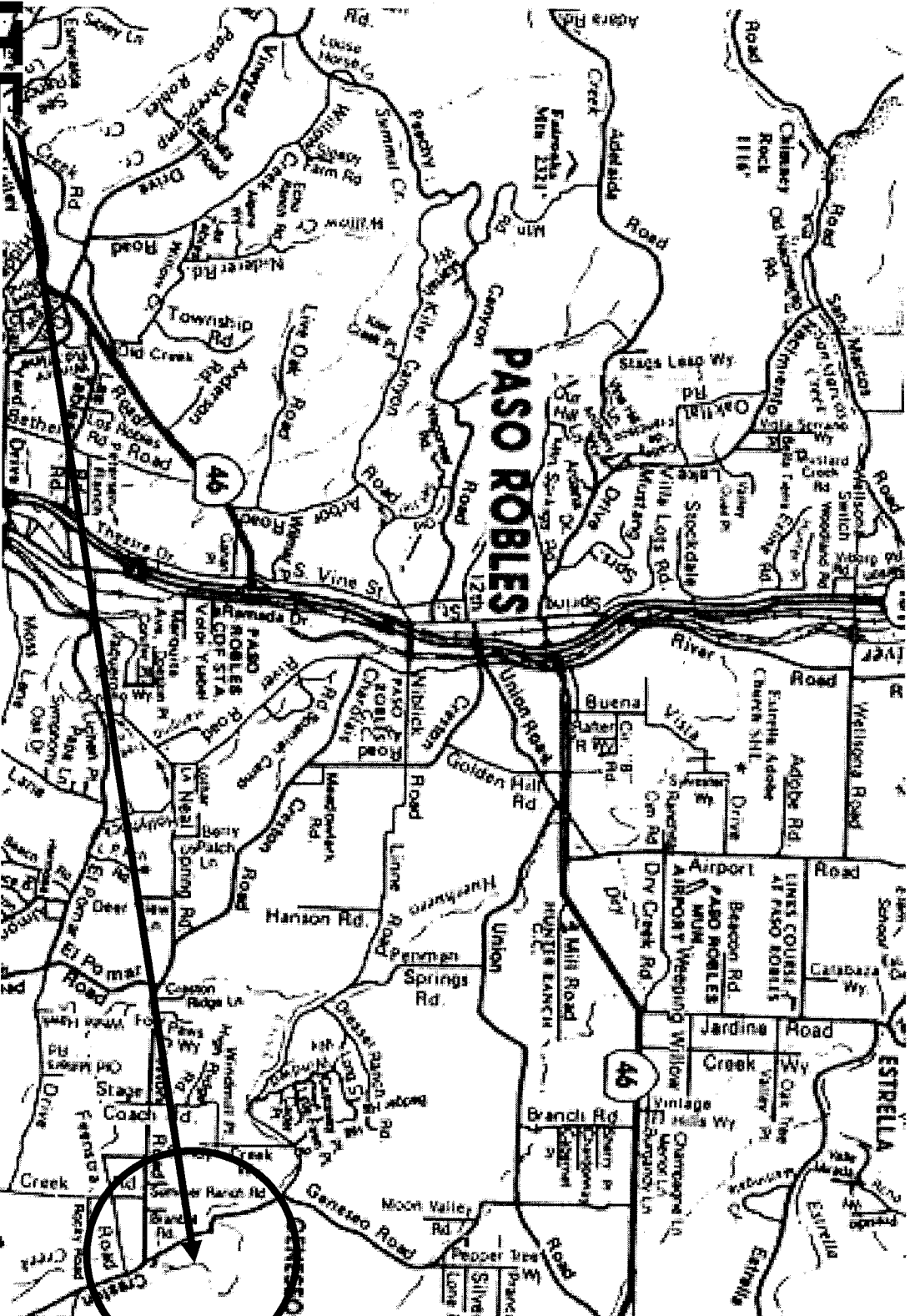
Contact Information

California Department of Fish and Game
Central Coast Region
P.O. Box 47
Yountville, CA 94599
(805) 528-8670
(805) 772-4318

U.S. Fish and Wildlife Service
Ventura Field Office
2493 Portola Road, Suite B
Ventura, CA 93003
(805) 644-1766

County of San Luis Obispo
Department of Planning and Building
Division of Environmental and Resource Management
County Government Center, Room 310
San Luis Obispo, CA 93408
ATTN: Ms. Julie Eliason
(805) 781-5029

1-62
8-42
SITE



PROJECT

Certificate of Compliance
Mallory SUB2004-0045

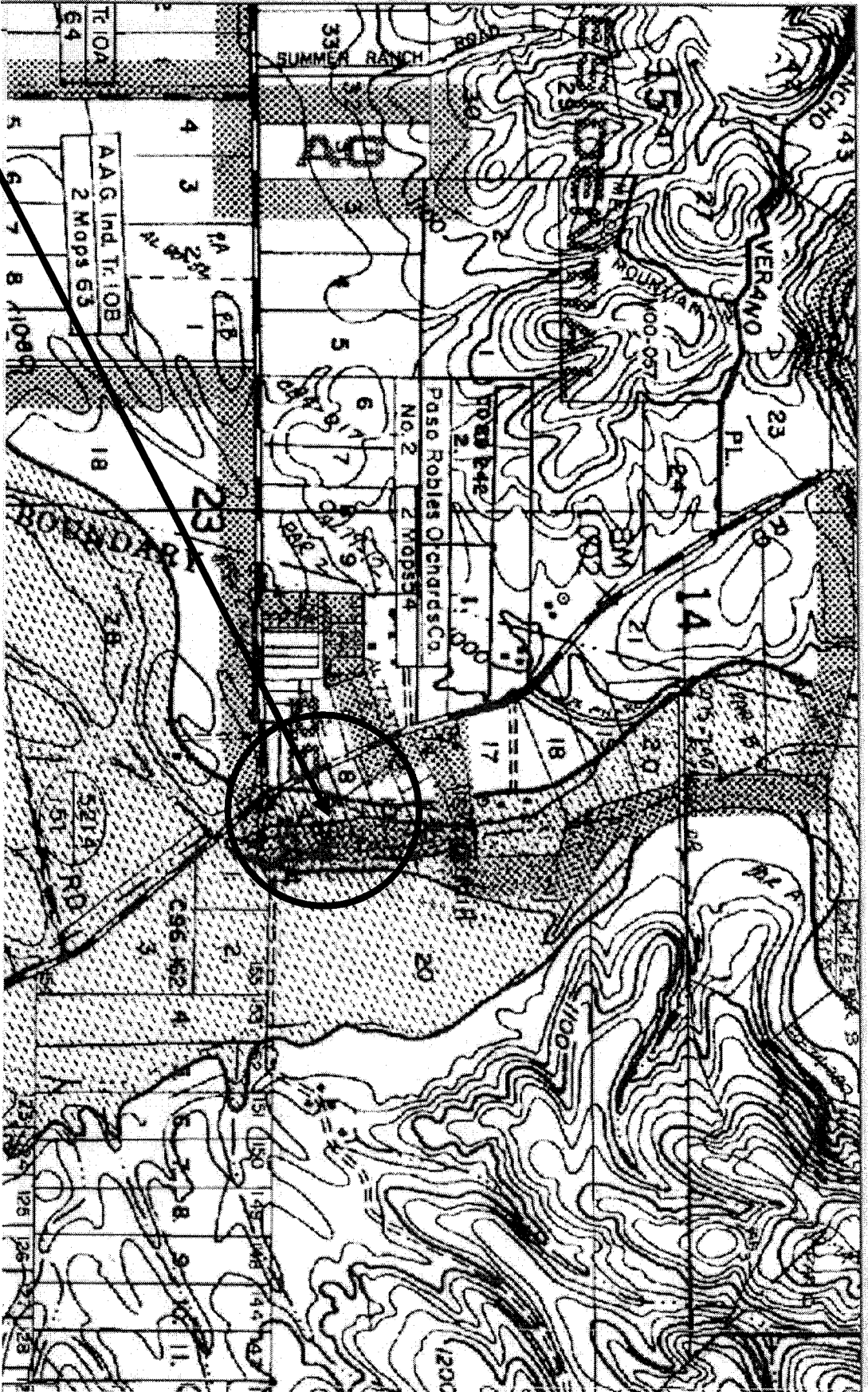


EXHIBIT

Vicinity Map

1-63

843



SITE

PROJECT

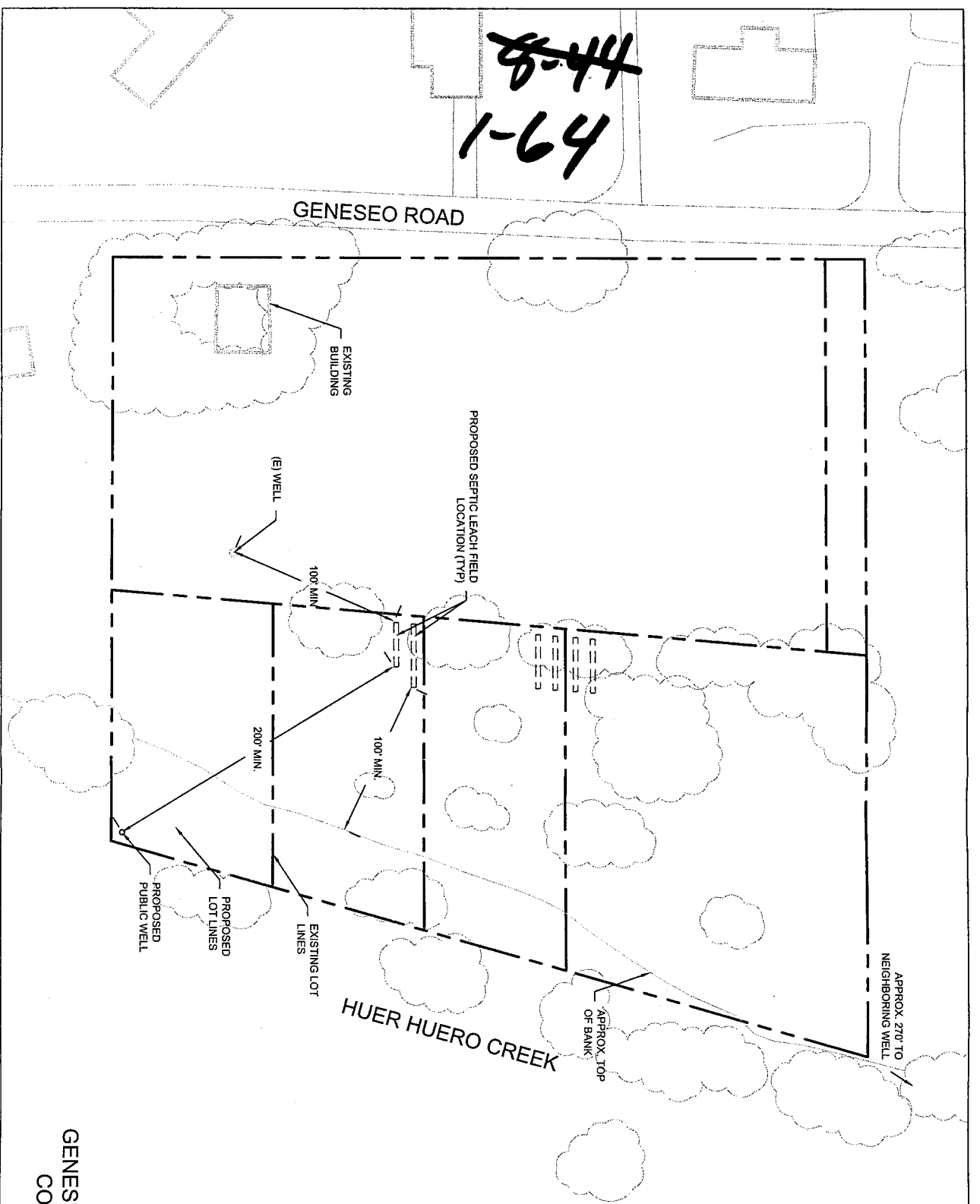
Certificate of Compliance
Mallory SUB2004-0045



EXHIBIT

Land Use Category

~~8-44~~
1-64



ABOVE GRADE
ENGINEERING

1305 Huerfano Street, Suite 200, San Luis Obispo, CA 93401
Phone: (805) 540-5115 • Fax: (805) 540-5116
A California Corporation • Last Modified: 11/19/2013



1"=60'

GENESEO ROAD CERTIFICATES OF COMPLIANCE LOT EXHIBIT

Date: February 22, 2006

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**DEVELOPER'S STATEMENT FOR
MALLORY CERTIFICATES OF COMPLIANCE
SUB2004-00045 C04-0450**

The applicant agrees to incorporate the following measures into the project. These measures become a part of the project description and therefore become a part of the record of action upon which the environmental determination is based. All development activity must occur in strict compliance with the following mitigation measures. These measures shall be perpetual and run with the land. These measures are binding on all successors in interest of the subject property.

Note: The items contained in the boxes labeled "Monitoring" describe the County procedures to be used to ensure compliance with the mitigation measures.

The following mitigation measures address impacts that may occur as a result of the development of the project.

San Joaquin Kit Fox

Your project will impact 1.5 acres of San Joaquin kit fox habitat. Based on the results of previous Kit Fox Habitat Evaluations that have been conducted for the Creston and Paso Robles area, the standard mitigation ratio for projects on parcels less than 40 acres in size has been established as 3:1. This means that all impacts to kit fox habitat must be mitigated at a ratio of 3 acres conserved for each acre impacted (3:1). The project will result in the permanent disturbance of 0.5 acres of kit fox habitat. You agreed to accept the standard mitigation ratio of 3:1 for your project. Total compensatory mitigation required for your project is 1.5 acres, based on 3 times 0.5 acres impacted. The mitigation options identified in BR-1 through BR-11 apply to the proposed project only; should your project change, your mitigation obligation may also change, and a reevaluation of your mitigation measures would be required.

BR-1 Prior to issuance of grading and/or construction permits, the applicant shall submit evidence to the County of San Luis Obispo, Department of Planning and Building, Environmental and Resource Management Division (County) (see contact information below) that states that one or a combination of the following four San Joaquin kit fox mitigation measures has been implemented:

- a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of 1.5 acres of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) and the County.

This mitigation alternative (a.), requires that all aspects of this program must be in place before County permit issuance or initiation of any ground disturbing activities.

- b. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis

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Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The fee, payable to "The Nature Conservancy", would total \$3,750. This fee must be paid after the Department provides written notification about your mitigation options but prior to County permit issuance and initiation of any ground disturbing activities.

- c. Purchase 1.5 credits in a Department-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

At this time, there is no approved conservation bank that is operational in San Luis Obispo County. A conservation bank is expected to be operational in the near future. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

- c. If none of the above measures (a, b, or c) are available, the applicant may enter into a Mitigation Agreement with the Department, including depositing of funds into an escrow account (or other means of securing funds acceptable to the Department) which would ensure the protection in perpetuity of 1.5 acres of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring in perpetuity. The Department can provide a draft agreement to review; a signed Mitigation Agreement shall be submitted to the County prior to County permit issuance and initiation of any ground disturbing activities.

<p>Monitoring: Required prior to issuance of a grading and/or construction permit. Compliance will be verified by the County Division of Environmental and Resource Management.</p>
--

BR-2 **Prior to issuance of grading and/or construction permits**, the applicant shall provide evidence that they have retained a qualified biologist acceptable to the County. The retained biologist shall perform the following monitoring activities:

- a. **Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction**, the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.
- b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, disking, excavation, stock piling of dirt or gravel, etc.) that

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proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-3 through BR11. Site- disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (see BR-2-c3). When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.

- d. **Prior to or during project activities**, if any observations are made of San Joaquin Kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. At the time a den is discovered,, the qualified biologist shall contact the U.S. Fish and Wildlife Service and the Department (see contact information below) for guidance on possible additional kit fox protection measures to implement and whether or not a federal and/or state incidental take permit is needed. If a potential den is encountered during construction, work shall stop until such time the U.S. Fish and Wildlife Service/Department determines it is appropriate to resume work.

If incidental take of kit fox during project activities is possible, **before project activities commence**, the applicant must consult with the U.S. Fish and Wildlife Service and the Department. The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.

- d. In addition, the qualified biologist shall implement the following measures:

1. **Within 30 days prior to initiation of site disturbance and/or construction**, fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:
 - a) Potential kit fox den: 50 feet
 - b) Known or active kit fox den: 100 feet
 - c) Kit fox pupping den: 150 feet
2. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.
3. If kit foxes or known or potential kit fox dens are found on site, daily monitoring during ground disturbing activities shall be required by a qualified biologist.

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Monitoring: Required prior to issuance of a grading and/or construction permit. Compliance will be verified by the County Division of Environmental and Resource Management.

- BR-3 **Prior to issuance of grading and/or construction permits**, the applicant shall clearly delineate as a note on the project plans, that: *"Speed signs of 25 mph (or lower) shall be posted for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox"*. Speed limit signs shall be installed on the project site **within 30 days prior to initiation of site disturbance and/or construction**,

In addition, **prior to permit issuance and initiation of any ground disturbing activities**, conditions BR-3 through BR-11 of the Developer's Statement/Conditions of Approval shall be clearly delineated on project plans.

- BR-4 **During the site disturbance and/or construction phase**, grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.
- BR-5 **Prior to issuance of grading and/or construction permit and within 30 days prior to initiation of site disturbance and/or construction**, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the county, as well as any related biological report(s) prepared for the project. The applicant shall notify the County shortly prior to this meeting. A kit fox fact sheet shall also be developed prior to the training program, and distributed at the training program to all contractors, employers and other personnel involved with the construction of the project.
- BR-6 **During the site-disturbance and/or construction phase**, to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.
- BR-7 **During the site-disturbance and/or construction phase**, any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary, be moved only once to remove it from the path of activity, until the kit fox has escaped.
- BR-8 **During the site-disturbance and/or construction phase**, all food-related trash items

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such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.

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- b. If a more solid wire mesh fence is used, 8" x 12" openings near the ground shall be provided every 100 yards.

Upon fence installation, the applicant shall notify the County to verify proper installation. Any fencing constructed after issuance of a final permit shall follow the above guidelines.

Monitoring (San Joaquin Kit Fox Measures BR-3 – BR-11): Compliance will be verified by the County Division of Environmental and Resource Management in consultation with the California Department of Fish and Game. As applicable, each of these measures shall be included on construction plans.

Contact Information

California Department of Fish and Game
Central Coast Region
P.O. Box 47
Yountville, CA 94599
(805) 528-8670
(805) 772-4318

U.S. Fish and Wildlife Service
Ventura Field Office
2493 Portola Road, Suite B
Ventura, CA 93003
(805) 644-1766

~~8-50~~
1-70

County of San Luis Obispo
Department of Planning and Building
Division of Environmental and Resource Management
County Government Center, Room 310
San Luis Obispo, CA 93408
ATTN: Ms. Julie Eliason

The applicant understands that any changes made to the project description subsequent to this environmental determination must be reviewed by the Environmental Coordinator and may require a new environmental determination for the project. By signing this agreement, the owner(s) agrees to and accepts the incorporation of the above measures into the proposed project description.

Date: 3-21-06

Ronald Mallory
Signature of Owner(s)

Ronald Mallory
Name (Print)

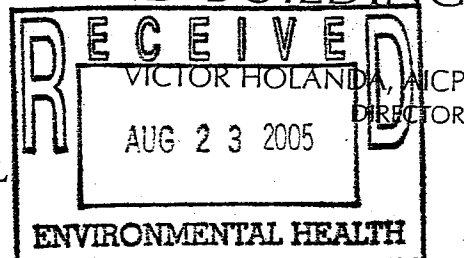
Melanie Mallory
Name (Print)



1-71
SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

RECEIVED

SEP 1 2005



THIS IS A NEW PROJECT REFERRAL

DATE:

8/28/05

TO:

~~Lori Salo~~ Lori Salo

MALLORY

FROM:

North Co. Team/ ~~Jo Hanson~~ Karen Nall

C04-0450

(Please direct response to the above)

SUB 2004-00045

Project Name and Number

Development Review Section (Phone:

788-2009)

*OR ASK THE SWITCH-
(BOARD FOR THE PLANNER)

PROJECT DESCRIPTION:

Certificate of compliance involving 4 parcels ranging from 1/2 to 1 1/2 acres. Located off Goneseo Rd. in Paso Robles. APN - 035-211-003.

Return this letter with your comments attached no later than:

8/9/05

PART I

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

☐ YES
☐ NO

PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☐ NO (Please go on to Part III)
☐ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III

INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE

The applicant will need to have 2.5 acre in order to have the well and septic system on the same parcel. If the applicant can utilize a private off site well exclusively for each parcel then the parcel may be able to be less than 2.5 acres, otherwise community water would be necessary.

9/13/05

Date

Name

Lauri Salo

Phone

781-5551

* Also spoke to Karen Nall on 9-13-05 regarding these recommendations.

1-72